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THE TIMES

No. 65,250 TUESDAY APRIL 25 1995

Letter ends five months in limbo Euro-rebels given back the Tory whip

By Philip Webster and Nicholas Wood

JOHN MAJOR tried last night to raise Conservative morale to the run-up to the local elections by bringing back the eight Euro-rebels who were thrown out after defying a confidence vote on Europe.

A short letter from Richard Ryder told the MPs, who have been operating outside the parliamentary party since the end of November when they voted against the European Budget Bill, that they were back in.

The Chief Whip also told the eight, Sir Teddy Taylor (Southend E), Teresa Gorman (Billerica), Richard Shepherd (Aldridge, Brownhills), John Wilkinson (Ruislip-Northwood), Nicholas Budge (Wolverhampton, SW), Christopher Gill (Ludlow), Michael Carris (Great Yarmouth), and Tony Martin (Northampton, NW) that if they did not wish to receive the whip they should state so in writing.

Sir Richard Body, the mouth "whisper" MP who resigned the whip after the same debate was informed of the Government's action and is expected to return soon.

The Government has now formally recovered a Commons majority of 11 which will be 13 when two MPs suspended over the cash for questions affair are back since last November it had been in a technical minority.

The Government's decision, exclusively forecast in later editions of *The Times* yesterday, to announce that the whip had been retracted without waiting for the MPs to say that they wanted it, had clearly taken some of the rebels by surprise.

They had held a meeting at Westminster to discuss peace moves conducted over the weekend through Michael Spicer, a Eurosceptic former minister. He was one of the ring-leaders in the Masschicht revolt and consistently voted against the Government until the Bill was passed.

But since then, as leader of the Fresh Start group of sceptics, he has sought to influence Tory European policy from inside. His track record gave him credibility with ministers and rebels.

The meeting, which was not attended by all the rebels, was inconclusive and there appeared to have been considerable confusion. Some of the MPs had been keen to

return than others and not all of them had been consulted.

But shortly after the meeting ended Mr Ryder announced that they were back. Any wanting to remain outside would have to make a formal resignation and would almost certainly be disowned by their local party.

The rebels are to hold a meeting this morning. They appeared to have little choice but to accept that they were once again members of the parliamentary party.

A Government source said the rebel MPs would now be expected to vote like everyone else because they had satisfied the criteria laid down by the Prime Minister, showing consistent support for Government policies on everything other than Europe.

Mr Major's decision to end



Spicer: secret approach to the whipless nine

said: "This fragile unity, at the eleventh hour of an election campaign will last until the next vote on Europe."

Sir Rhodes Boyson, one of the 1992 executive members who signed a letter to Mr Major calling for the rebels' return, said: "I welcome the return to the Conservative fold of the whipless. I regret they ever lost the whip since I think that they represent on Europe the views of 70-80 per cent of Conservative members and their supporters in the country. It will help the party get its act together fully."

Sir Marcus Fox, chairman of the 1992 committee, said: "This comes not before time. There has been a groundswell that they should be given the opportunity to have the whip restored. It is long overdue that we should make this move, because... our party's policy (on Europe) has moved in their direction. They will find it much easier to come back and support the party's policy in future."

But the crisis is now over. It is quite right that they show what we now expect of them — the sort of discipline that we have all had to show in a particularly difficult time. There is no doubt that if we are talking about unity, the first thing we had to do was solve this problem and having done that we can all look forward to an improving situation."

Sir Richard Body said he was consulting his party association. If they were content for him to do so he would take back the whip.

Mr Spicer said: "I am delighted that there is now the clear prospect of unity, certainly under the banner of an anti-federalist, anti-socialist programme. I have always felt that there are two ways of affecting events in British politics — one is the Conservative Party and the other is the Labour Party."

"The Conservative Party revolves around various ideas such as low taxes and a non-federal Europe. Therefore breaking away from the Conservative Party does not help that cause. That means you vote with the Conservative Party unless there is a mammoth, earth-shattering reason that prevents you, and even then you don't do it to threaten the existence of the Conservative Government."

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Neville and Doreen Lawrence, Stephen's parents, leave court in Greenwich yesterday

Youths in court after family's private murder prosecution

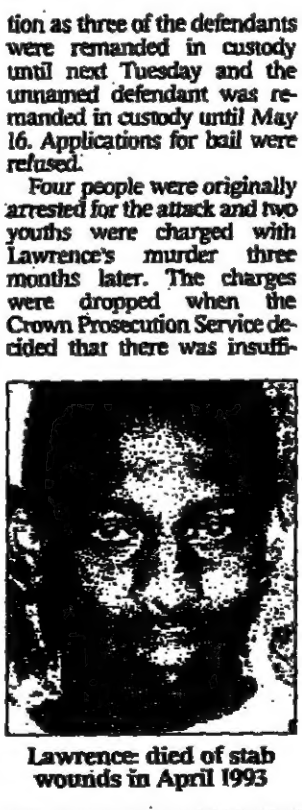
By Kathryn Knight and Richard Ford, Home Correspondent

FOUR white youths from south London were charged yesterday with the murder of the black teenager Stephen Lawrence after his parents launched a private prosecution. They had been arrested at the weekend on warrants issued by Greenwich magistrates after Neville and Doreen Lawrence initiated the proceedings.

Stephen, 18, a student, died of stab wounds after he was attacked while waiting for a bus with a friend in Eltham, southeast London, on April 22, 1993.

Appearing before Greenwich magistrates, Neil Acourt, 19, Luke Knight, 18, David Norris, 18, and a fourth man, also aged 18, who cannot be named, were jointly charged with unlawful killing at Well Hall Road, southeast London. Their addresses were not read out after their legal representatives made an application to David Cooper, the stipendiary magistrate.

Their mothers, who sat together at the back of the courtroom, showed no emotion as three of the defendants were remanded in custody until next Tuesday and the unnamed defendant was remanded in custody until May 16. Applications for bail were refused.



Lawrence: died of stab wounds in April 1993

Four people were originally arrested for the attack and two youths were charged with Lawrence's murder three months later. The charges were dropped when the Crown Prosecution Service decided that there was insufficient evidence. Lawrence's parents, who decided to launch the action in March after they were told by the police that the case had been closed, arrived at court with Michael Mansfield, QC, their barrister, and Imran Khan, their solicitor. Their legal team have offered their services free but the parents could still face a bill of up to £10,000.

The Lawrence family is hoping that the Crown Prosecution Service will take over the case. Barbara Mills, QC, Director of Public Prosecutions, is monitoring the proceedings. The police have not yet been asked to hand over their files, but have said they would have no objection. However, no evidence can be released by the police unless the witnesses agree.

Speaking after the hearing, Mr Khan said that the Lawrence family was relieved that fresh legal procedures had been initiated. "Obviously, the family and myself are happy that procedures have now started two years after the

Continued on page 2, col 7

Second U-turn gives divorcees right to take slice of pension

By Alice Thomson, Political Reporter

DIVORCEES will be entitled to a share of their former partner's pension, the Government announced last night.

The latest U-turn in the Pensions Bill came on the day that Peter Lilley, the Social Security Secretary, conceded that war widows who remarry and are then bereaved or divorced should be able to claim the £140-a-week service pension.

The decision will affect more than 16,000 women and is expected to cost the Treasury £40 million a year from October.

The plan for divorcees, which could affect more than 200,000 couples a year, will compel the courts to take pensions into account when dividing assets, and require pension schemes to make payments under deferred maintenance orders.

At present courts in England and Wales, unlike Scotland, are not obliged to take a pension into account in divorce proceedings. Thousands of women who gave up their careers to bring up children were denied access to their former husband's pension, often his largest asset.

Payments to ex-wives will be deducted at source from pension funds, rather than left to former husbands to distribute on reaching retirement. Mr Lilley ruled out, however, dividing the assets at the time of divorce and said that the change would not be retrospective.

Speaking in the debate on the Pensions Bill, Mr Lilley said it would be too complex and the cost could be "very considerable", with £300 million in tax revenues forgone. "Effectively, then, a divorced couple would be in a more privileged tax position than a married couple," he said.

The concessions come after revolts in the Lords over the

Pensions Bill, which equalises the state retirement age at 65 and introduces safeguards against a repeat of the Maxwell pensions scandal.

The Government was defeated by 191 to 145 votes in the Lords last month after cross-party demands that war widows who lose their pension should have it restored if they are bereaved or divorced. The successful amendment was moved by the crossbencher Lord Freyberg, 25, grandson of a First World War VC holder.

Baroness Hollis of Helgham, a Labour social security spokeswoman, who piloted the amendments for divorcees in the Lords, said: "At least now a woman will have the right to a share in the pension to which she contributed during her marriage and not have to chase her husband through the courts if he fails to pay. Until now many divorced wives faced an old age of loneliness, poverty and increasing desperation."

Mr Lilley said he would not be backing any of the Lords' other amendments, and would seek to overturn an amendment made in the Upper House that would mean a person's state earnings-related pension would be based on the best 44 years of their earnings, rather than a full working life.

He said: "This amendment would increase expenditure in a poorly targeted way and would cost over £2.5 billion a year by the middle of the next century."

Mr Lilley also made clear that the Government would not give in to demands for widows' pensions to be increased from a third to a half of what would have been paid.

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Ministers to meet Sinn Fein

By Nicholas Watt, Ireland Correspondent

THE Northern Ireland peace process passed an historic milestone yesterday when the Government announced it is to hold its first formal ministerial talks with Sinn Fein in more than 20 years.

Michael Ancram, the Northern Ireland Minister, said he would arrange a meeting with Sinn Fein after the party gave a commitment to hold "serious and constructive" discussions on the decommissioning of IRA arms.

Sinn Fein last night welcomed the decision, which follows more than two months of intense negotiations to agree a basis for discussions on the decommissioning of the weapons.

John Bruton, the Irish Prime Minister, who spoke to John Major yesterday, also

LAW TODAY

The new divorce: children and finance first
Plus: legal appointments and Law Reports
pages 37, 39 and 42

The Law pages appear every Tuesday PLUS

Body and Mind, Your Own Business, Bernard Levin and Nigella Lawson

Tomorrow: Fashion

Thursday: Films

Friday: the Valerie Grove interview

Milk cartons near end of shelf life

By Robin Young

THE cardboard milk carton that deposed the glass milk bottle from supermarket shelves is coming to the end of its self-by date for fresh milk, which comprises 95 per cent of the milk market.

Tesco said yesterday it was phasing out milk cartons and replacing them from September with plastic bottles, which shoppers preferred. Other national supermarket chains are thought likely to follow suit, though Sainsbury's last night denied it.

Half of the milk bought in England and Wales comes from supermarkets. Doorstep deliveries of milk bottles, first mass produced by the Express Dairy Company in 1884, have been declining steadily since the first milk carton was introduced in the 1960s.

The Swedish-born businessman who invented the dominant Tetra Pak carton

waxed rich even as British milk-drinkers wrestled to open their packages without splashing milk everywhere. Last year Gail and Hans Ransing, sons of the cartons inventor who have lived in Britain since the 1980s, are said to have supplanted the Queen as Britain's richest residents.

More recently the carton's share of the milk market has diminished to about a fifth as supermarkets introduced polythene plastic bottles.

Tesco's decision will be seen as a victory for environmentalists. A recent study by Friends of the Earth claimed cartons created 3.5 times as much air pollution and almost 12 times as much water pollution as plastic bottles.

But cartons will be used for UHT long-life milk — which deteriorates when exposed to light — and fruit juices.

Abbey National bids for N&P

Up to 3 million members of the National & Provincial Building Society may get £650 bonuses after Abbey National said it wanted to buy Britain's eighth largest society. The move is seen as the first "hostile" bid for a building society. Abbey National has 675 branches compared with the 550 of N&P, which has assets of £12 billion. Page 25

MPs demand grace and favour secrets

MPs are demanding that Buckingham Palace release details of the 285 grace and favour properties provided for the Royal Family and their staff, which cost £1.37 million in refurbishment last year. Page 2

War crimes charge

Radovan Karadzic, the Bosnian Serb leader, and General Ratko Mladic, his military commander, were named as war crimes suspects. Page 12

Hunting for Perfection~

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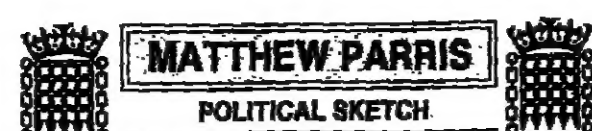
Brewed by Morland of Abingdon. Est'd 1711.

Metaphorical menagerie hounded out of the animal House

In 1976 the Speaker (Selwyn Lloyd) was clear: "I always object to the use of animal terminology when applied to Members of this House." He was banning the description by an MP of the Members opposite as "laughing hyenas". Withdrawing the words, Lewis substituted "laughing Ken Dodds opposites", which the Chair found satisfactory. How Lloyd would have viewed Michael Foot's description of Norman Tebbit as "a semi-house-trained polecat" we shall never know. The hyena issue was set-

led, but this sketch has always been unhappy with the ruling. Comparing MPs to animals is a staple of the sketchwriter's trade and we have to do to them what they have done to us. So, on a dull Monday in the Chamber, I took refuge in a brawl through abusive language conducted for me by Phil Mason, guru of Commons arcane and author of *Nothing Good Will Come of It* (an anthology of ridiculous predictions by MPs). Mason has scored *Hansard* since 1981. Mr Mason and I can offer candidates for coming by-

elections a list: Speakers' rulings on animal metaphors since 1981. Which animals may, and which may not, be likened by MPs to other MPs? The first animalistic references consisted only of noises. 1872: "amid the general confusion were heard imitations of the crowing of cocks, whereat the Speaker declared the scenes unparliamentary, and gross violations of order". So no cock-a-doodle-dos. In 1894, when a Member used the words "bigoted, malevolent young puppy", Mr Speaker must have been in a forbearant mood. He allowed



it. "But if I was mediating taste, I would decide differently." 1895: 'Jackal.' Banned. 1896: 'Tory skunks.' Speaker: 'Highly improper.' 1923: 'Chameleon politician.' Out of order. 1930: 'Insolent young cub.' Banned. 1931: 'Lie down, dog!' Banned.

1931: 'Noble and learned camels' [of the Lords]. Banned. 1936: 'Swine.' Banned. 1946: 'Silly ass.' Banned. 1948: 'Dirty dog.' Banned. 1949: 'Stool pigeons.' Sp: 'Most unworthy.' 1952: 'You rat.' Banned. 1953: 'Cheeky young pup.' Out of order. 1955: 'Rat.' Out of order.

1955: 'Rat on a friend.' Out of order. 1956: First use of 'twerp', during Questions to the Air Minister. Ruled in order. (Sp: "I think it was a sort of technical term of the aviation industry.") 1955: 'Twerps.' Allowed. (Sp: "It appeared to be directed to a multiple object.") 1972: 'This young Twerp' [of Prince Charles, by Willie Hamilton]. Out of order. 1977: 'Snake.' Banned. 1978: 'Bitchy' [of Mrs Thatcher]. Out of order.

1985: 'Baboons.' Banned. 1985: 'His shadow spokesman's monkey.' Banned. 1986: 'Political weasel and guttersnipe.' Allowed. 1987: 'The morals of Tom cats' (description of other Members' ethics). Banned. 1988: 'Rat.' Allowed, this time! 1989: 'Political skunk.' Out of order. 1989: 'The attention span of a gerbil.' Allowed. But Sp: "It does not help us here." 1989: 'The wolf of Dagenham.' Allowed. Sp: "I've heard worse." 1992: 'The harrier from

Bolover' [of Dennis Skinner]. Allowed. 1992: 'Cruel swine' [of Kenneth Baker]. Allowed. But perhaps the oddest ruling was when Mr Speaker inexplicably allowed a backbencher to say of Mrs Thatcher that she was "behaving with all the sensitivity of a sex-starved boa-constrictor". The Speaker added: "It does not add to the dignity of the House." It is a tribute, I think, to Lady Thatcher's strength that it occurred to nobody, least of all the Chair, that she could need protection.

MPs attack secrecy over grace and favour flats

By NIGEL WILLIAMSON, WHITEHALL CORRESPONDENT

AN ALL-PARTY committee of MPs demanded last night that Buckingham Palace release full details of the 285 grace and favour properties provided for members of the Royal Family and their staff.

The full cost of the apartments is known only to auditors in the Treasury, although it has emerged that £1.37 million was spent refurbishing 40 apartments last year. An apartment previously occupied by Princess Alice, Countess of Athlone, at Kensington Palace cost £400,000 to refurbish while work at two other apartments cost £111,000 and £69,000. A further 12 underwent refurbishments costing from £25,000 to £50,000.

Some 95 apartments are known to be completely rent free, while others are rented at a fraction of the market rate: the average rent for apartments in palace grounds is £40 a week.

However, the royal household used the meeting of the Public Accounts Committee at Westminster last night to announce that it was reducing the number of self-contained apartments allocated to staff to 205, as properties became vacant. These will be let commercially.

Sir John Bourn, head of the National Audit Office, told MPs that he had been unable to audit fully the spending of officials paid from the Queen's civil list because the office had no direct access to royal household documents. He said that after representations, government departments had granted "a substantial and reasonable degree of access" but that this was no substitute for direct access to palace documents.

Sir John submitted a detailed memorandum to the committee of MPs which closely questioned Hayden Phillips, permanent secretary at the Heritage Department,

and Michael Peat, the director of financial and property services for the royal household, over the costs and refusal to give information. Among the details MPs demanded were how the accommodation was allocated, what duties the employees performed and what rent they paid. However, both officials played a dead bat in the face of the Labour-led onslaught. Mr Peat, who earns £116,000 a year, occupies a fine apartment at Kensington Palace for which he pays £324 a week. The apartment would fetch about £2,000 a week on the open market say property analysts and was refurbished before Mr Peat moved in.

Alan Williams, the Labour MP for Swansea West, said that the limited information which had been provided by officials was "confusing, evasive and inaccurate". He accused Buckingham Palace of "digging in its heels and stopping Parliament asking questions to which it has the right to know the answers". The National Audit Office memorandum discloses that almost two-thirds of royal household staff have refused to sign new contracts which would have cut their salaries by 16.7 per cent to cover an increase in their rents. New employees automatically have the rent docked from their salaries but existing staff have refused to have their contractual conditions altered. Under the proposals the average rent would rise from £40 a week to £53 a week. Mr Peat admitted that it would be at least ten years before all royal household employees were on the new contracts and paying the new rents.

The report also reveals that £310,000 has been spent over the past four years on furnishing the apartments of four of the six heads of department within the royal household, including Mr Peat.

Widow freed from shadow of war

By CATHERINE MILTON, SOCIAL SERVICES CORRESPONDENT

TERESA TUTT, whose first husband went missing in action in 1943, can now plan a move from her dark and damp basement flat in Exmouth, Devon, after the Government's decision to restore pensions to war widows who remarried and then divorce or suffer bereavement again.

As the young widow of Squadron Leader Blair "Crasher" White, a Battle of Britain veteran, Mrs Tutt qualified for a war widow's pension. She was stopped when she remarried. Since the Tutts divorced in 1952, after four years, she has gone without a television and a washing machine.

She says: "I am not a moaner by nature, but for the widow of a Battle of Britain pilot to be reduced to such circumstances is a disgrace to the nation. My husband gave his precious young life but it was my sacrifice too."

Squadron Leader White was reported missing on July 5, 1943, during an operation to pave the way for the Allied invasion of Sicily. He was 28 and had already been shot down twice. In between he fought in the Battle of Britain. Mrs Tutt, 77, said: "He did not even cost this country a grave but when he died I felt as though I no longer had a heart."

Five years later she remarried, disastrously. Mrs Tutt was awarded alimony but says her former husband left the country and never paid it. "For 48 years I have had to flounder around as best I can working as a storeman in a garage, a beautician and a wages clerk."

She is angry that her two children, now middle-aged, had to endure uncertainty in their childhood.

"That pension was not a lot but it was a little bit of security. We have been deprived of security. While I worked I paid tax and I have not had a penny from the Government except my state



Teresa Tutt, top, with her husband's medals. Heather Fulcher, above left, as a bride, and today, surviving on £7 a week to buy food after paying her bills



pension which I earned. This is a debt of honour." Helen Rosbottom, press officer of the War Widows Association, said: "This is a typical story. Early records were destroyed but there are many women in similar positions who will benefit from the Government's decision."

Heather Fulcher, 74, also lost her war widow's pension when she remarried. Then she divorced her second husband and found herself in financial hardship. The extra £140 a week means she can eat well without having to sell her terraced house in Derby. Her first husband William, a sergeant in the Royal Corps of Signallers,

died 16 years ago after almost starving while a prisoner of war in Burma. Her second marriage ended about four years ago and she lives on her state pension. She said: "After paying all my bills I have £7 left for this week. What can you eat on £7?"

Pensions decision, page 1

Youths on private murder charges

Continued from page 1

event. We would have been happy if the Crown Prosecution Service had continued with the case, as we have always maintained that they had sufficient evidence."

Patrick Edwards, press officer for the Stephen Lawrence Family Campaign, said that the Lawrences had to accept the fact that the action may be unsuccessful and that the defendants could seek damages.

The campaign office has written to more than 5,000 individuals and organisations in an attempt to raise £10,000 for legal costs. "We need an insurance mechanism in the event that we are not successful," Mr Edwards said.

Private prosecutions have become an increasingly popular form of legal redress. But the odds are stacked against individuals who must pay legal bills and have no automatic access to statements taken by the police.

Chris Salton, QC said yesterday: "It requires time, money and perseverance which an individual complainant may not have." The right to bring a private prosecution is maintained as a safeguard against state inaction, but there are about 70 offences that may be prosecuted only with the consent of the Attorney-General or the Director of Public Prosecutions.

There have been several successful private prosecutions, including one in which Peter Hain, now Labour MP for North, was fined £200 in 1972 for conspiring to disrupt and Davis Cup tennis match between South Africa and Britain.

Private prosecutions for murder are rare and in 1988 the first action for 30 years failed when a jury at the Central Criminal Court cleared a youth of stabbing to death Robert McHayle in south London.

Nadine Radford, QC, said that one effect of the private prosecution launched by Stephen Lawrence's family would be to make the legal profession examine more closely their way in which it reviewed cases. "It will cause us to stop and think and review our working methods and processes. The system always has to be tested."

A private prosecution can be started by obtaining a summons from the local magistrates' court. It would be necessary to show that there was a basis for a case, although, at that stage, proof would not be expected. If the magistrates decided that there was an arguable case, a summons would be issued.

Proceedings then continue as with any other case, although the court, prosecution or defence can ask the Crown Prosecution Service to intervene either by taking over the prosecution, changing the charge or seeking to end a case on the ground that a lack of evidence amounts to abuse of process.

Europe row brews over Bank choice

John Major faces renewed unrest over Europe today when Tory MPs condemn the appointment of Howard Davies, the CBI's pro-European director-general, as Deputy Governor of the Bank of England (Arthur Leathley writes). Backbench MPs accuse Kenneth Clarke, the Chancellor, of using the appointment to bolster his own pro-European stance. They express astonishment that the Prime Minister, whom they believed was showing more scepticism on Europe, could sanction it.

Gulf syndrome claims rejected

The Government announced in the Lords yesterday that it is not prepared to pay compensation to more than 500 alleged victims of Gulf War syndrome, who claim their health was damaged by vaccines intended to counter chemical and biological weapons in the 1991 war.

Labour leaders to explain visits

Tony Blair and his deputy, John Prescott, are to be asked to explain to the Commons Members' Interests Committee why they failed to register stays at Glenageary, Taylors, David Shaw, Tory MP for Dover, also made a formal complaint over a Concorde trip to America by Mr Blair.

Boy, 9, accused of murder attempt

A boy aged nine has been charged with the attempted murder of another child after a playground incident. The alleged victim, aged seven, suffered serious head injuries and last night was on a ventilator at Ninewells Hospital, Dundee. The boy charged has been allowed home.

Man jailed for stoning train

A young man who threw stones at an InterCity train travelling at 110mph was jailed for five years for what the judge described as an "act of utter recklessness". Simon Hawkes, 20, unemployed, of Tunworth, had been convicted at Stafford Crown Court earlier this month.

May Day postal strike in Scotland

Postal workers in Scotland have voted for a one-day strike on Monday in protest at the traditional May Day holiday being moved this year to coincide with VE-Day celebrations on May 8. Deliveries of counter services and parcel courier services are likely to be disrupted.

Ministers and Sinn Fein agree on talks over IRA guns



Ancrem: careful

Continued from page 1

welcomed the announcement. However, the Rev Ian Paisley, leader of the Democratic Unionists, accused the Government of capitulating to the IRA.

Mr Ancrem said the talks would include detailed discussions on the ways that IRA arms might be decommissioned and on how such a process could be verified. Speaking outside Stormont Castle, he said: "We have made clear that the basis of these discussions, which will

be exploratory, is that [Sinn Fein] is prepared to discuss everything constructively and seriously, including the question of the decommissioning of arms... We have been very careful to make sure that we move cautiously and steadily and I think that the people of Northern Ireland accept that."

The two sides had been unable to agree an agenda for talks because of disagreements on how to discuss the decommissioning of IRA weapons. Sinn Fein had agreed to discuss the issue, but

insisted that it would have to be on a par with discussions about demilitarisation. This was unacceptable to the Government because it would have equated terrorist weapons with the Royal Ulster Constabulary.

The breakthrough came after the two sides agreed to separate discussions on the decommissioning of IRA arms and demilitarisation. The talks will form part of the exploratory dialogue which NIO officials opened with Sinn Fein last December. The

dialogue is aimed at exploring how Sinn Fein can be admitted as a fully fledged constitutional party and examining the "practical consequences of the end to violence", which includes the decommissioning of IRA arms.

Martin McGuinness, who will lead the Sinn Fein delegation in its meeting with Mr Ancrem, said last night that he would "seize the opportunity" to meet the minister. But he added: "The British Government have to recognise that we cannot move the process on if

they continue with their policy of treating Sinn Fein voters as second class citizens. That is totally unacceptable to us."

The Ulster Unionists last night reacted coolly to the announcement. Ken Maginnis, the party's security spokesman, said: "If exploratory dialogue is intended to deal with decommissioning of arms and explosives so be it. We will wait for tangible evidence of Sinn Fein's intent and of the Government's integrity in how it deals with that organisation."

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Teachers escape punishment for Blunkett uproar

BY BEN PRESTON AND JOHN O'LEARY

TWO militant teachers who shouted down David Blunkett, the Shadow Education Secretary, at an Easter union conference escaped disciplinary action by their schools yesterday.

Fran Crowhurst, 38, a history and sociology teacher who led chanting against Mr Blunkett, agreed to apologise for "the effect that adverse publicity had brought" to Crofton School in Lewisham. The apology was accepted by her head teacher, Anne Carhart, and the matter was dropped.

Stefan Simms, a member of the Socialist Workers' Party, also held on to his job as head of physics at Wembley High School, north London. His head teacher, Stephen Armstrong, said that reports of the demonstration against Mr Blunkett had been exaggerated. He said that he could not understand why Mr Simms, whom he described as a "dedicated teacher", had been singled out.

Mr Blunkett was pursued and cornered by a mob at the National Union of Teachers' annual conference in Blackpool ten days ago. With his guide dog Lucy, he was forced to take refuge in an office for almost half an hour after the demonstration threatened to turn violent.

The union swiftly issued a

public apology to Mr Blunkett. John Hills, the president, compared the protesters to Fascists and members of the British National Party and said they should be sacked.

Mr Blunkett said it was for governing bodies and the National Union of Teachers to take appropriate disciplinary action against the teachers involved. But he made clear that they should not be sacked because that would make them martyrs.

Ms Crowhurst, deputy head of humanities, made a verbal apology during a meeting lasting less than an hour with her head teacher yesterday morning. She expressed regret not for her actions but for the impact of bad publicity on the school. Jim Stevenson, the chairman of governors, said



Crowhurst apologised

that he would be writing directly to Mr Blunkett "regretting the incident".

A third teacher, Eddie Parkinson, a history teacher at Kenton School, Newcastle upon Tyne, was interviewed yesterday by his head teacher, Mike Gibbons. Mr Parkinson was seen on television shouting "sack the Tories, not the teachers" and banging on the door of an office where Mr Blunkett was put for protection. A report detailing Mr Parkinson's version of events will be presented to the governing body's personnel sub-committee this week, which will then decide whether to start disciplinary proceedings against him.

Mr Parkinson told reporters last week that the demonstration was justified. He said: "David Blunkett is a blind man but he is an important politician and he has come out with extreme views about what should happen to teachers that put him to the right of the Conservatives." The NUT said it was still waiting for official complaints against teachers.

Gillian Shepherd, the Education Secretary, issued a beginning-of-term appeal to teachers not to take industrial action over rising class sizes. She said: "I would advise them not to go down that road. They will rue it."



Sue Marshall won reinstatement of the 7.47am express from London Victoria to Brighton after bombarding British Rail with letters

One-woman protest stops BR in its tracks

BY JONATHAN PERRY
TRANSPORT CORRESPONDENT

A COMMUTER has scored a victory for passengers after a solo campaign against cuts in services forced British Rail into a rare U-turn.

Sue Marshall began her fight for the return of the 7.47am express service from London Victoria to Brighton after BR downgraded it to a slower, stopping service last May.

The change added eight minutes to the 65-minute journey, making it

impossible for Ms Marshall, director of housing at Brighton council, to reach her desk by 9am. She had to catch an earlier slow train instead.

Ms Marshall, who spends up to £20 a month on commuting from her home in Clapham, south London, said: "It was very inconvenient for myself and other commuters and had a major effect on my morning working. If I had an 8am meeting I effectively had to stay overnight in Brighton."

She said the replacement Thames-

link service was often delayed or cancelled. "On one occasion the train failed to stop at Clapham. It just whizzed through and I was due to address 150 staff at 9.30am." The only other direct train is the 6.47am from Victoria.

Ms Marshall succeeded in reinstating the train after gathering support among other commuters and bombarding BR's Network South Central division with letters. Eventually BR capitulated, appealing for her not to send more letters because it was

falling behind with the backlog of those she had already sent. "We can't let these giant businesses get away with doing what they like," she said.

A spokesman for Network South Central said the decision proved that BR was prepared to react to passengers' comments. "The timescales are not set in stone," the spokesman said. "We are always looking to provide an improved service and that is why the original service was closed. But we subsequently discovered people preferred the express train."

Police shoot dead unarmed man in raid on club gang

BY PAUL WILKINSON

POLICE marksmen shot dead an unarmed man yesterday while ambushing a gang who broke into a social club to steal the weekend takings. Senior officers later confirmed that no weapons were fired at the officers.

The man, a known criminal, was found with a torch in his hand. However, police believe that at least one of his three accomplices, all of whom escaped, might have been carrying a weapon, possibly a sawn-off shotgun.

The dead man was killed by a single shot some time after the break-in in the early hours at the Excelsior social club at Westhope, Newcastle upon Tyne. Paramedics were called to the premises but the man had died instantly.

At a press conference last night, Assistant Chief Constable Alan Oliver of Northumbria Police declined to discuss the moments leading up to the fatal shot being fired, but disclosed that there had been "a considerable period of time" between the break-in and the shooting.

Detectives had been tipped off the previous day to expect an armed raid at the club, which has been the target of several robberies and has 1,500 members. "Weekend takings at a club can amount to a considerable sum of money, but nothing was stolen," Mr Oliver said.

He said all the officers

involved were fully trained experts who had since undergone counselling and debriefing.

Mr Oliver said that shopkeepers and pub owners in the area had been terrorised by thugs armed with imitation guns. "They have been a serious cause of concern to the police for many years. If a police officer is confronted by someone who aims a weapon at him he may believe that person is armed and has to make a decision very quickly."

He added: "We would offer our sincerest apologies to his family but at the time a criminal offence was in the process of being carried out. No shots were fired at our men, but the possibility that the gang had a firearm is a line of inquiry we are still examining."

Several arrests were made in follow-up operations on the Newbiggin Hall Estate in Newcastle. Police recovered an imitation firearm, a ski mask and items of clothing.

Mr Oliver said: "We searched the area around a flat on the estate and found the objects. We believe the flat was involved in the circumstances that led to the incident. A number of other people are still being sought."

Eddie Marchant, Assistant Chief Constable with Durham Police, has been appointed by the Police Complaints Authority to conduct an inquiry into the shooting.

Three-time joyrider killed mother

BY A STAFF REPORTER

A TEENAGE joyrider killed a mother-of-two in a crash while driving the third car he had stolen that day, a court was told yesterday.

Anthony Underwood, 16, lost control on a bend while driving a stolen Ford Orion. Lee Heady, 36, of Comesthorpe, Leicestershire, travelling in her Mini, could do nothing to avoid the crash, Leicester Crown Court was told. The youth fled but was arrested 18 days later after he was linked to a baseball cap found at the scene.

Underwood, now 17, of Leicester, was sent to a young offenders' centre for 12 months after admitting causing death by dangerous driving.

Judge Donald Hamilton told him: "No sentence I pass could reflect the gravity of the consequences of your actions." The judge said that under new laws the sentence would have been longer. "You can also consider yourself fortunate your age has protected you from a longer sentence. I impose the maximum sentence I can."

Leonard Smith, for the prosecution, said that the impact forced Mrs Heady into the rear of her car and she died from multiple injuries. Underwood also admitted three charges of taking cars without consent on the day of the death and was banned from driving for four years.

School video on the war gives Churchill 14 seconds

BY BEN PRESTON, EDUCATION CORRESPONDENT

A £300,000 education pack to help schools to teach about the end of the Second World War virtually ignores Sir Winston Churchill's place in history, a pressure group claimed yesterday.

The government-commissioned pack, which is being sent to all state and independent schools, marginalises "one of the nation's greatest figures", said the Campaign for Real Education. The group, which supports traditional teaching, said Churchill was only shown for 14 seconds in a 34-minute video for primary schools and his name was missing from the coverage of events prior to VE-Day and his defeat at the 1945 general election.

The pack, which has been publicly endorsed by the Queen, forms part of the Government's commemorations to mark the 50th anniversary of the end of the war and focuses on Victory in Europe and Victory over Japan Days. It includes a message from the Queen, a

video with archive footage and newsreels, reproductions of period photographs, leaflets, posters and newspapers.

In a personal statement, the Queen says: "I hope that this education pack will help young people to understand what the Second World War was about, what people were fighting for and how grateful we should all be for their sacrifice."

But Christopher McGovern, a former Government history curriculum adviser, urged Gillian Shepherd, the Education Secretary, to commission a supplementary booklet to restore balance to



Part of the school pack

the presentation of the war, covering Churchill's role as an opponent of appeasement in the 1930s. Mr McGovern, a preparatory school teacher in Kent, said that Churchill was only given 14 seconds of "indistinct coverage" towards the end of the 34-minute video for primary schools and 14 seconds in the 24-minute video for secondary schools with a fleeting reference to his praise for the valour shown at Dunkirk and to the Allies' meeting with the Russians in 1945.

A spokesman for the Education Department said the pack was not supposed to provide a comprehensive history of the war.

Ian Fell, a producer for Yorkshire Television's education department, which made the video, said: "Of course Churchill is mentioned, but this was not supposed to be a history about him or any other key figure in the war. The video was supposed to encourage pupils to find things out for themselves."

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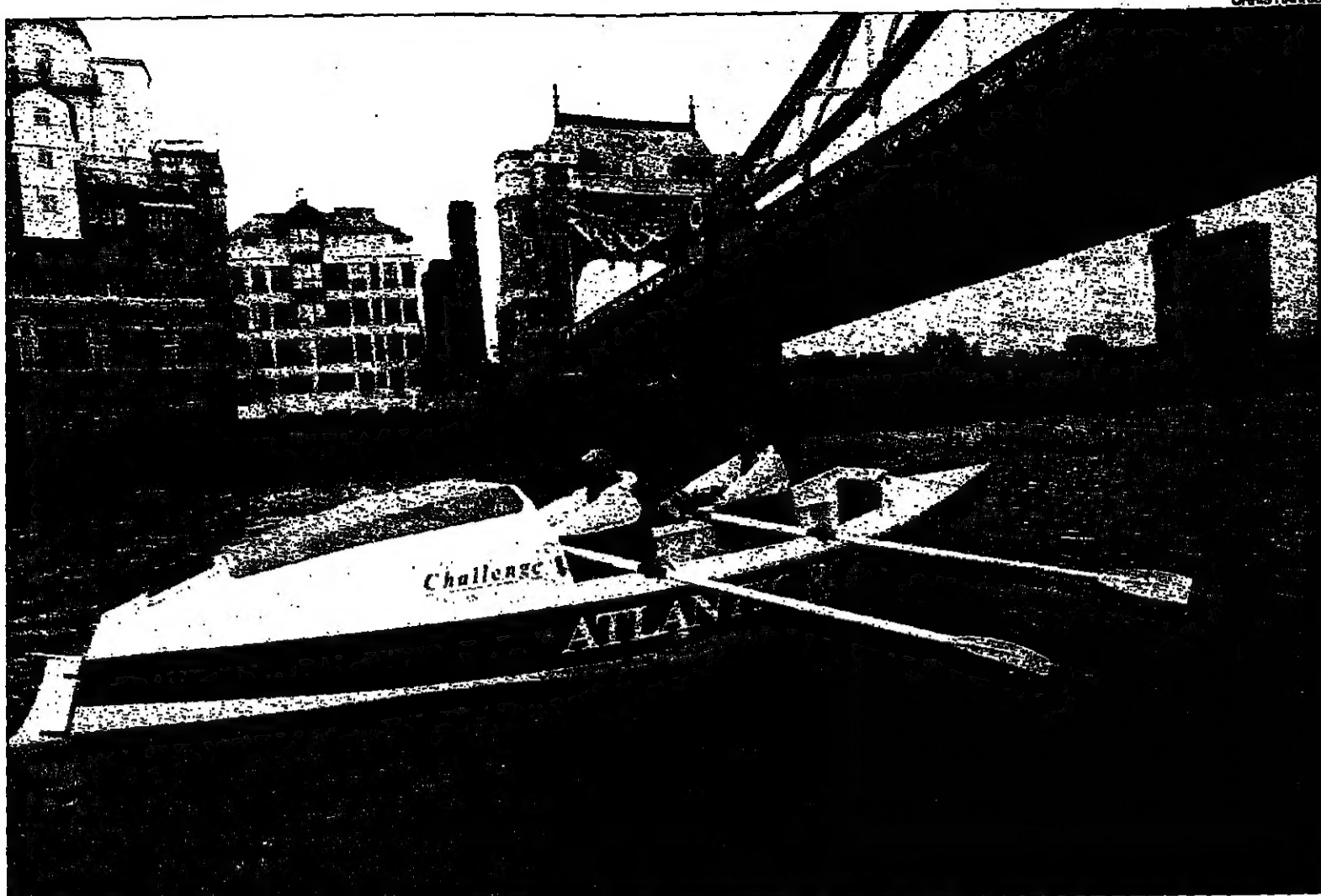
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BY DALYA ALBERGE, ARTS CORRESPONDENT

Dürer: self-portrait

John Murdoch, director of the Courtauld Institute Galleries dismissed the possibility of a claim. He made a distinction between treasures missing from the great European collections and kept in secret and works such as their Dürer, *The Emperors Charlemagne and Sigismund*, which had been exhibited for 40 years. It was bought on the open market from a leading gallery.

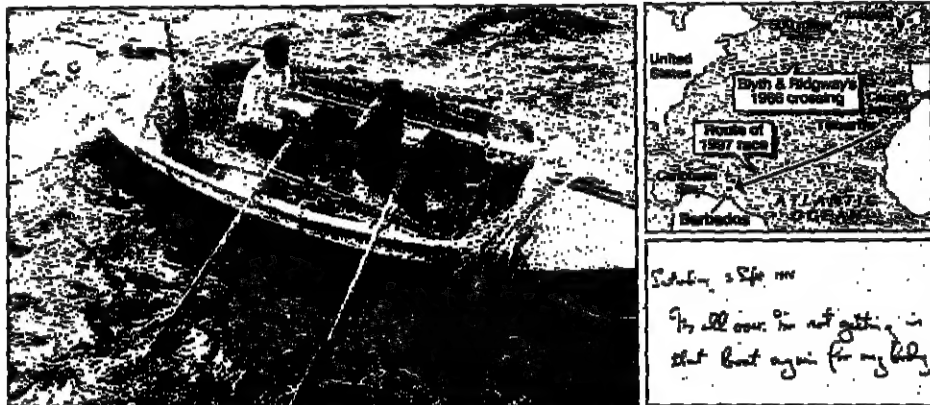
He said: "I cannot see any basis for a claim. But if there were, we would respond in a way that was sensible and legally sound with advice from our lawyers."



Chay Blyth, left, in one of the race boats with David Jackson, who enjoyed testing the prototype so much that he decided to participate

BY EDWARD GERMAN

Announcing the new event
at St Katharine's Yacht Club
in London yesterday, Blyth



Blyth and Ridgway near the end of their voyage, which Blyth recorded in his diary

said the race would help to satisfy the increasing desire among ordinary people to embark on once-in-a-lifetime adventures. "There are lots who want a challenge," said Rhyll, whose company is also the organiser of the BT Global Challenge, billed as the world's toughest yacht race.

"This will be the longest rowing race in the world and there will be plenty of adrena-

lin and plenty of challenge. From my experience with both the British Steel Challenge and the BT Global Challenge, it is clear that there is a big demand for annual quests that people who take part in will remember for the rest of their lives."

The race is open to 30 two-person crews of any nationality, between the ages of 21 and 60. The £20,000 fee will cover the cost of the boat and a

The boats, designed specially for the race, will be 23½ long and 6½ wide and weigh about 3,000lb when loaded. They will have a covered stern in which both rowers will be able to shelter, and stowage space for two months' supply of food and 96 gallons of water. Also, they will be self-

Competitors will be able to choose their oars and seats, but everything else will be standard. "We want the boats to be identical to ensure that the pair who win the race do so due to their rowing technique and courage, not because they have managed to raise suitable funds to build a state-of-the-art rowing boat," Hyth said.

The first confirmed entrants are David Jackson and Graham Burnett, both 25, from Tor Point, Cornwall. They have been conducting tests on the prototype boat for Blyth and enjoyed it so much that they decided to participate. Mr Burnett said he was impressed with the boat: "Instantly, when you get in a boat you can tell if it's a bad one or a good one, and this was very, very good. We are very confident with it."

Was he looking forward to the race? "Two thousand nine hundred miles is going to be quite a slog in anything apart from a luxury liner," he said.

BY PAUL WILKINSON

The Quartettsatz was written when the style of the Austrian composer was developing fast and is considered by many to be the first work of his maturity. It is one of several pieces he began but did not finish, moving restlessly on to new ideas.

themselves. Until recently he did not believe the 40 bars of the quartet's second movement were enough to give him an idea of how Schubert intended it to develop. But research among Schubert's records in his home city of Vienna and a reappraisal of every one of his instrumental works gave Professor Newbould, 59, enough clues to work on.

He said: "It became clear that Schubert would have contemplated a further theme from those already permeated and that this was the key to the simplification of the expository part of the movement. After that, working through the structural consequences to the end was less hazardous.

"Parts were quite difficult and often were now bad. I took rest about two weeks, on and off, to finish, a lot more time than Schubert often took to dash off some of his work."

BY NICK NUTTALL
ENVIRONMENT CORRESPONDENT

BRITISH scientists have launched a mission to save one of the world's rarest plants from extinction. There are believed to be only two specimens of the fern *Adiantum asarifolium* left on Mauritius. Biologists are determined that the fern, which fossil records show dates back to

the dinosaur age, will not follow the dodo, the island's most famous former resident. To that end, Dr Stuart Linsey of the Royal Botanic Gardens in Edinburgh has, over the past few days, been abseiling down mountain ridges searching for more ferns and logging the plight of other rare and endangered species. There are thought to be 1,500 species of plant on the island, which is roughly the size of Oxfordshire.

of which more than a third could be in danger of extinction.

Under the fern rescue plan, a captive-breeding programme is to be set up on Mauritius. The only other known specimen lives in the gardens in Edinburgh and the team plans to take its spores to Mauritius to improve the genetic health of the species so that it is less likely to be weakened by in-breeding.

By JOHN SHAW

A COLLECTION of antiques worth up to £70,000 and weighing almost eight tons has been discovered at a house in Manchester. Every room in the modest pre-war semi-detached property was packed from floor to ceiling with 500 boxes containing 4,000 pieces of antique metalwork and wooden objects including hundreds of candlesticks and snuff boxes.

It took three days using two 20ft furniture vans to remove the collection which the late Derrick Bradbury, an accountant, spent a lifetime amassing. Mr Bradbury, an authority on metalwork, died in September aged 66. Specialists from Phillips in Chester were called in to examine the collection at his home in Burnage.

Antony Bennett, managing director of Phillips in the North West, led a team of specialists who took two weeks to catalogue the board, which will be sold on May 13. He said: "This is a vast and incredible collection. Many pieces have not seen the light of day for many years. We won't know exactly what there is until we begin unpacking in earnest, but we are dealing with a veritable museum of English household life from the 17th century onwards."

He estimated there were between 200 and 300 candlesticks, 1,500 pieces of pewter, sizeable collections of money, tobacco, match and snuff boxes, and a huge quantity of domestic items ranging from tools to kitchen equipment.

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Blair wins union support for Clause 4 campaign

By Philip Bassett, Industrial Editor

TONY BLAIR warned the trade unions last night against ignoring their members' support for his campaign to modernise the Labour Party.

The Labour leader was speaking after the shopworkers' union Usdaw voted overwhelmingly to back his replacement of the party's Clause Four commitment to nationalisation.

Mr Blair, asked after the Usdaw vote about the position of unions such as the TGWU transport workers, whose leaders have rejected change, said: "I think they have got to be very careful in taking a decision that is contrary to the wishes of ordinary members."

He said that all the membership ballots taken in the party had produced big majorities for change.

Leaders of one of Labour's largest unions, the GMB general workers, are expected to follow suit today, virtually guaranteeing Mr Blair victory at the party's special conference on Clause Four this week.

Taking into account both trade union votes and the expected pattern of voting by constituency party members, close supporters of Mr Blair calculate that he could win support for his proposed new Clause Four of the party's constitution by about 2-1.

The Usdaw decision, taken by delegates at the union's annual conference in Blackpool, was in line with expectations. Labour strategists, however, were pleased to secure the support of another union after the TGWU and the public service union Unison voted against changing Clause Four.

GMB officials expect the union's 82-strong central executive council to support Mr Blair today. Labour leaders plan to use the Usdaw and GMB votes as part of their calls to the special conference delegates from Unison and the TGWU to abandon their opposition to changing Clause Four. Usdaw delegates have 5 per cent of the total conference

vote, and GMB delegates 12 per cent.

Some of the 650 delegates at the shopworkers' conference argued against Mr Blair's proposals, but the conference vote saw only a small minority against change. Mr Blair said: "I am delighted with the result. It shows a union in touch with its members."

The Usdaw decision followed a conference speech by Mr Blair at which he urged unions to support his planned



Blair: Labour members want a modern party

reforms of the party's constitution and said change was "healthy". He was greeted with a standing ovation as he arrived in the conference hall, and his 40-minute speech, in which he strongly attacked the Tories for being the "most discredited administration" this century, was loudly applauded.

Mr Blair told the conference that he was "haunted" by the prospect of another Tory victory at the next general election, and as he left he said: "I hope people will listen to the overwhelming support for change coming in from every single ballot that has been conducted. The vast majority of ordinary Labour members want a modern, forward-thinking and up-to-date Labour Party."

Bill Connor, Usdaw's deputy general secretary, said: "The existing clause is part and parcel of our history. But let's face it. It does not speak to the economic realities of the late 20th century."

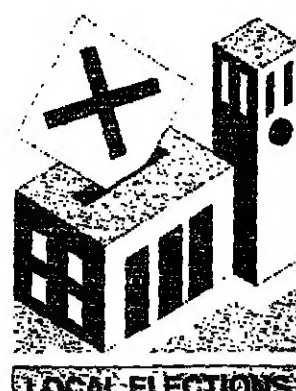
Lib Dems to test new-look Labour

By Kate Alderson

THE North West is the setting for some of the most bitter council election struggles between Labour and the Liberal Democrats, with the Tories often trailing in third place.

Allegations of dirty tricks are common during campaigning, especially in Liverpool, where last week one lawyer was overheard comparing the election run-up to the grouse season. His client list of Labour and Liberal Democrat councillors threatening legal action against each other is in double figures.

The city has seen power switch back and forth between Labour and the Liberal Democrats since the early 1970s. At present no party holds absolute control but Labour has 45 seats, while the Liberal Democrats have 42. Last year, Labour gained five seats in Liverpool and the Liberal Democrats gained



four, Harry Rimmer, leader of the Labour group, said: "If we repeat last year's result, where we were elected in 17 of the 33 seats we contested, then we will take control."

Mr Rimmer is aware that the party's biggest task between now and May 4 is to defend Liverpool's council tax, the country's highest at £365 for band C properties, and £64 million worth of cuts.

Mike Storey, the Liberal Democrat leader, believes that the vote-pulling power of a "new Labour" is yet to be tested. "We could take the council by a whisker but it depends what the Blair factor is," he said.

Labour and the Liberal Democrats are also fighting for absolute control of the councils in Stockport, Oldham and Rochdale.

Stand by for an underrated but important event

RIDDELL ON POLITICS

Potentially the most important political event of the next fortnight may be the least discussed so far at Westminster. Not the return to the fold of the whippers, Tory Euro-rebels, nor Saturday's vote on Clause Four (crucial though that is for Tony Blair's New Labour), nor the local elections in England and Wales on May 4. The joker in the pack may be the meeting on May 5, after the results come in, between Kenneth Clarke and Eddie George to discuss a possible rise in interest rates.

The publication of the minutes of the monthly meetings between the Chancellor and the Governor has changed the balance of financial decision-making and introduced an anti-inflationary bias into economic policy in a way still not properly understood by MPs. In theory, decisions over whether and how much to change rates remain with the Chancellor, while the Governor decides when such moves should be implemented. But, in practice, the Governor has gained a decisive say over whether and how much rates should move.

The two cannot be seen to disagree for long. Financial markets are always likely to side with the Governor's anti-inflationary instincts and punish a Chancellor who persisted in rejecting the Bank's advice, particularly to raise rates. There is a gap of six weeks between their meetings and publication of the minutes. This gives time, and two more meetings, in which any disagreement can be resolved. Mr Clarke recognises the constraint this means for him — and any subsequent Chancellor. But others in Whitehall, including the Prime Minister, were more cautious about the change.

This relationship is, however, inherently unstable, neither giving the Bank of England full independent control over monetary policy, as in Germany or America, nor retaining traditional accountability to Parliament for interest rate changes. Much depends on the personalities of the Chancellor and Governor. At present, they broadly agree on goals, though there are differences of emphasis on the relative weight to be given to evidence of a slowdown in the economy and signs of higher inflation. The change has enhanced the power of the Bank relative to the Treasury; hence the attention surrounding the appointment of How-

Tory MPs should brace themselves for higher interest rates...

accountable and transparent. There is no open debate within the Bank. Instead, the setting of the inflation target and its implementation should be made clearer and more predictable.

The opponents of monetary union sometimes assume that this frees the Government from constraints. But a floating exchange rate has costs and can result in equally painful interest rate decisions. On March 8, Mr Clarke and Mr George expressed concern over the exchange rate and it has fallen sharply since then. No wonder that the International Monetary Fund warned this week-end that the Government might have to raise interest rates again soon "if it was serious about sticking to its medium-term inflation target", while the weakness of the pound argued for earlier steps than otherwise would have been required. Tory MPs should brace themselves for higher interest rates as much as for the loss of 1,500 or 2,000 council seats.

PETER RIDDELL

IN PARLIAMENT

YESTERDAY in the Commons: questions to Welsh ministers, the Attorney-General and the Overseas Development Administration; were followed by the Pensioners Bill, second reading.

In the Lords: debate on the Olympic Symbol (Protection) Bill, report, Health Authorities Bill, re-

port, and Crown Agents Bill, report. TODAY in the Commons: questions to education ministers and the Prime Minister will be followed by a debate on the Medical (Professional Performance) Bill, second reading, opened by Virginia Bottomley, the Health Secretary. In the Lords: debate on the Jobseekers Bill.

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Big swing to far Right signals French 'desire for simple solutions in a complex world'

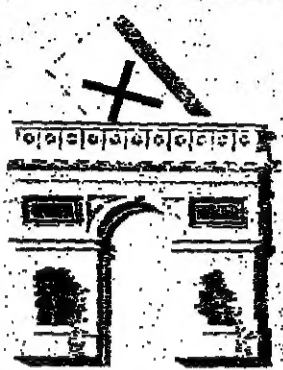
Jospin triumph dents Chirac's aura of success

FROM CHARLES BREMMER IN PARIS

LIONEL JOSPIN and Jacques Chirac, the finalists for the French presidency, yesterday set out to rally support after a sobering first round which saw a swathe of the electorate turn its back on the candidates of the establishment.

As campaign strategists digested the surprise results of Sunday's vote, M. Chirac, 62, acted swiftly to shore up the fractured conservative camp, making overtures to Edouard Balladur, the Prime Minister and Gaullist party colleague who came close to beating him. M. Balladur last night insisted that his strong showing meant that M. Chirac must take his campaign ideas into account for the second round.

M. Jospin, 57, who took the lead with 23.2 per cent of the vote, sought to capitalise on an unexpected success which stripped M. Chirac of his favourite's aura and made him look beatable. The long-time disciple of President Mitterrand sketched his line of attack against M. Chirac for the May 7 run-off: emphasising Europe and depicting M. Chirac as a discredited conservative. The Gaullist leader could prove particularly vulnerable to the pro-



FRENCH ELECTION

Maastricht Socialist if pinned down on his ambiguous stance over the European Union. At the same time, M. Jospin's team floated talk of a tandem "ticket" involving Martine Aubry, 44, the popular politician daughter of Jacques Delors.

While the race has narrowed to a classic race between the champions of the Left and Right, the political world registered the powerful message of protest in the unprecedented 37 per cent of the vote which went to the hard, anti-European Left and far Right. M. Jospin can be fairly sure of the backing of the 8.7 per cent who voted Communist as well as the 9 per cent who opted for the

Troskyite and the Green candidates, but M. Chirac has been unsettled by the 15.2 per cent, registered by his foe, Jean-Marie Le Pen, the leader of the anti-immigrant National Front. The 4.8 per cent who voted for Philippe de Villiers, the other hard nationalist, are expected to move to M. Chirac.

"Confronted with the complexity of the world, quite a few French are awaiting simple, virile solutions," said the pro-Gaullist *Le Figaro*. "They are seeking the irrational."

M. Le Pen, whose creed enjoys sympathy from a minority of right-wing Gaullists, made clear he would sell his support dear. If at all, to M. Chirac. In contrast, he called M. Jospin "a respectable man". Alain Juppé, M. Chirac's chief deputy, said the National Front had "legitimate preoccupations which should be taken into consideration". Philippe Séguin, the anti-Maastricht lieutenant to M. Chirac, said M. Le Pen's strong score was an expression of despair.

Though M. Chirac, should benefit from the 60 per cent vote which went to conservative candidates, there was a consensus that his poor showing had enfeebled him. No candidate has won the election to the Fifth Republic presidency with less than 25 per cent in the first round.

Both M. Jospin and M.



Lionel Jospin, the Socialist presidential candidate, is greeted by supporters at a press conference in Paris. His victory defied all poll and pundit predictions

Chirac face big obstacles in their campaigns to convince voters that they are offering the radical change which France is deemed to yearn for. One big change M. Jospin would be certain to offer would be the dissolution of parliament and the calling of a general election.

Charles Bremmer, page 16
Leading article, page 17

THE FINAL RESULTS

Candidate	Votes	% Share
Lionel Jospin (Socialist)	7,102,018	23.30
Jacques Chirac (Gaullist)	6,351,181	20.84
Edouard Balladur (Gaullist)	5,982,124	18.98
Jean-Marie Le Pen (National Front)	4,573,252	15.00
Robert Hue (Communist)	2,634,167	8.64
Arlette Laguiller (Trotskyist)	1,616,506	5.30
Philippe de Villiers (Movement for France)	1,444,082	4.74
Dominique Voynet (Green)	1,011,488	3.32
Jacques Chaminade (New Solidarity Fed)	85,186	0.28

Turnout: 78.42%

Le Pen's support grows where once Left was supreme

FROM ADAM SAGE IN CHÂLETTE-SUR-LOING

ROGER LEGOUT took a sip of pastis and explained why he had voted for Jean-Marie Le Pen on Sunday. "There are too many foreigners here and they get all the help," he said, leaning on the bar at the Jupiter Café in Châllette-sur-Loing, about 60 miles south-east of Paris. "We Frenchmen get nothing."

The argument is wrong but persuasive, as the remarkably high score achieved by the leader of the extreme right-wing National Front indicates. Exploiting concern over immigration and anger about corruption within France's ruling classes, M. Le Pen polled more than 15 per cent of the vote in Sunday's first round of the presidential election, confounding the pollsters and pundits.

Not only will this enable him to weigh heavily in the debate ahead of the second round of the election on 7 May, but it also marks the failure of attempts to marginalise his party.

Despite protest movements on the Left and the introduction of tough anti-immigration measures by the Right, M. Le Pen, 67, did better than ever, and would have done better still without Philippe de Villiers, the anti-Maastricht campaigner, who obtained just under 5 per cent of the vote.

Châllette-sur-Loing offers graphic illustration of the power the extreme Right will now enjoy. Situated near Orleans, birthplace of one of

M. Le Pen's favourite symbols, Joan of Arc, it lies within a region that, although prosperous, gained the National Front almost 16 per cent of the vote.

Châllette itself, once a bastion of the Left, voted strongly for M. Le Pen, putting him ahead of his rivals and giving his party a good chance of winning the town hall in June's municipal elections. More than the figures, however, it is Châllette's geography that provides the starkest evidence of how M. Le Pen has been able to put down roots here.

A town of 15,000 residents, it is divided by the Loing canal, which cuts through the heart of a giant rubber factory that belches smoke over the gentle slopes of the forest of Montargis beyond. To the east of the canal, the houses are neat, the pavements deserted and the squares brightened by springtime flowers. There are few immigrants to be seen here.

To the west, the council estates sprawl, youths hang around on street corners, the cafés serve kebabs and mint teas, and immigrants constitute a large majority.

M. Legout, 57, lives in the east. "When I was born, there were no foreigners in Châllette," he said, putting his pastis back on the counter. "In fact, that's not true. There were the Italians and the Polish. But they were all right. Not like the Turks and the blacks today."

European police row strains Bonn-Paris alliance

FROM ROGER BOYES IN BERLIN

A SIMMERING dispute over the future of Europol, the proposed European police network, is straining relations between France and Germany and has underlined how fragile the axis has become as a result of the presidential changeover in Paris.

President Mitterrand, who has built up a close relationship with Helmut Kohl, the German Chancellor, promised at the European summit in Essen

last December that the last French objections to the network would be cleared away by June. Edouard Balladur, the French Prime Minister, made a similar commitment, much to the satisfaction of the German leader who regards the network as an important symbolic step towards deepening the European Union.

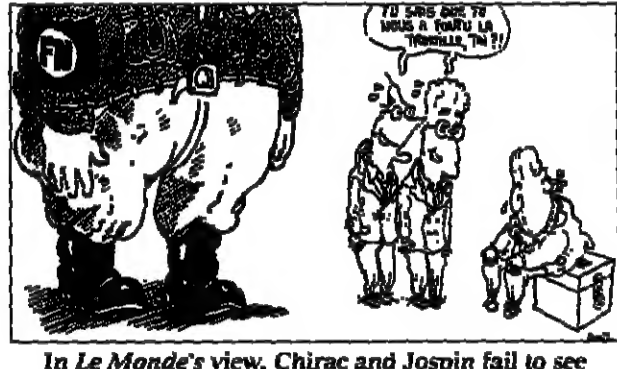
However, bureaucratic arguments, disguising broader differences over national sovereignty and European federal structures, are all but crippling the new organisation. The latest dispute, according to Joachim Jacob, the German data ombudsman, is about the right of individuals to gain access to all personal information gathered in police computers. Germans have a constitutional right to this information and want it extended at a European level. The French have no such right and reject the idea.

The problem could perhaps have been solved under a President Balladur. Whether a President Jospin or Chirac would be willing to make significant concessions to the German leader seems at best doubtful. This uncertainty colours the whole relationship as France prepares for the second round of the presidential election.

A Franco-German compromise on the nature of institutional reform in Europe is clearly a prerequisite for a successful outcome to the 1996 negotiations on political union. Yet the scope for any deal is becoming narrower. Herr Kohl seems to have lost not only his intimate friend M. Mitterrand but also M. Balladur, the man most willing to push for a single currency by 1997.



Chirac: question mark over attitude to Bonn



In *Le Monde's* view, Chirac and Jospin fail to see Le Pen as they tell the defeated Balladur: "You know, you really scared the hell out of us there"

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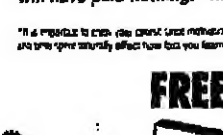
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Deng's children on standby amid new concerns for health

FROM JONATHAN MIRSKY IN HONG KONG

ALL five of Deng Xiaoping's children are reported to have been recalled to Peking and to have cancelled trips because of their father's health.

According to the report, Deng Rong, the 90-year-old supreme leader's daughter and biographer, will now not go to Tokyo as planned next month. Her host, the Japan-China Friendship Association, confirmed the cancellation, but said Ms Deng was ill and in hospital.

Mr Deng's eldest son, Putang, who is a paraplegic and spokesman for China's handicapped, has curtailed a tour of the country. A younger son, Zhifang, a rich entrepreneur with interests in Shanghai, Canton and Hong Kong, has stayed in Peking for some time, while Mr Deng's other daughters, Lin and Nan, have also cancelled planned trips.

Mr Deng's health was the subject of intense speculation late last year. The latest report, in the *Eastern Express*,

a Hong Kong English-language newspaper, did not detail sources but it has been confirmed that some are within the Deng family and others are close to Deng Rong's publishing network.

It has been obvious for at least a year that Mr Deng's health is poor. The photograph taken of him at the Chinese New Year, in February, showed a frail, chair-bound figure staring vacantly ahead. Two years ago, when he was occasionally seen in public, he trembled badly and was supported on both sides by his daughters. They alone could understand his utterances, which were given great weight by the official press.

In China, the subject of Mr Deng's health is now rarely commented on officially. Deng Rong was forced to modify her remarks to *The New York Times* in January, which gave the impression that her father was sliding towards death and that China

might change direction politically afterwards.

It is also plain that President Jiang Zemin, whom Mr Deng first named as "core leader" in 1989 and who was recently confirmed as Mr Deng's successor by Li Peng, the Prime Minister, has been undermining his mentor by disgracing some of his closest supporters.

These include Zhou Guanwu, the chairman of Peking's largest steel plant — an old army comrade of Mr Deng's — together with his son, Zhou Beifang, who is a business associate of Deng Zhifang, and Wang Baosen, a deputy mayor of Peking who recently shot himself because of impending corruption charges.

Despite Mr Deng's high reputation because of his economic reforms, his children are vulnerable to charges of corruption, being the prototypical example of the "Red Princes", as the rich children of party leaders are known.

Deadly attack on cult's science chief



Hideo Murali, the Aum Shinrikyo science chief, above, being attacked by Hirouko Jo, right, who is under arrest

FROM AGENCE FRANCE-PRESSE IN TOKYO

HIDEO MURALI, the science chief of the Aum Shinrikyo cult, died in hospital yesterday after he was stabbed three times on Sunday night outside the cult's headquarters in Tokyo. Hirouko Jo, 29, his alleged attacker, is under arrest.

Murali's death could hamper the investigation into last month's sarin attack on the Tokyo subway, which the police believe is connected with the sect.

The cult suffered another blow yesterday when Shige-yuki Hasegawa, one of its chemists, was arrested on charges of stockpiling glycerol and other chemicals.



Colony edgy as more top officials go early

BY JONATHAN MIRSKY

WITH a full-scale Commons debate on Hong Kong scheduled for Thursday, MPs will be focused on the growing crisis of confidence in the colony marked by early retirements among senior police and government staff.

Eddie Fung, the Commissioner of Police, recently denied that up to one third of his 2,900 officers above the rank of Inspector intend to resign or retire before 1997, although this is contradicted by officers speaking off the record. But the service was rocked by the recent announcement of the impending resignation of Peter So, the Deputy Commissioner, whose task it has been to encourage senior officers to stay on. A colleague engaged in the same role, Senior Assistant Commissioner Peter Lee, is also taking early retirement.

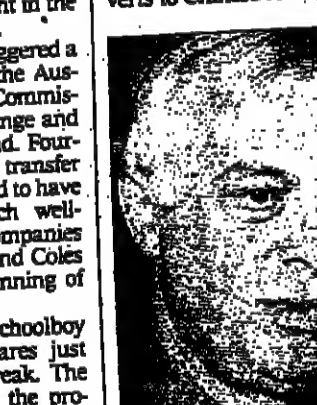
The civil service, too, is rife with resignation and retirement rumours, enlivened by the early retirement of two policy secretaries, Michael Leung, the Secretary for Education and Manpower, and James So, the Secretary for Culture.

Chris Patten, the Governor, and Alison Chan, the Chief Secretary, both insist that no significance attaches to the departure of the two men. Mr Patten said last week that both resignations "come at the end of long and distinguished public careers".

Ms Chan, though, has called on China "to do something concrete to appease the worries of the civil servants over the transition". In private, the Chief Secretary is reported to have spoken more bluntly about the need for Peking to calm bureaucratic worries in the colony.

The Chinese side blames the Hong Kong Government for the unease, and in particular Mr Patten. One of the Peking-controlled newspapers here, *Ta Kung Pao*, accused the Governor of "spreading rumours about China settling accounts with civil servants after 1997, a reference to his reluctance to hand civil service files over to China before the takeover."

Peking's China's wealthiest province, southern Canton has promised to eliminate poverty by 1997, when its neighbour, Hong Kong, reverts to Chinese rule. (Reuters)



Patten: blamed by China over unease

Schoolboy charged in fraudulent share racket

FROM ROGER MAYNARD IN SYDNEY

A SCHOOLBOY was last night charged in connection with a multimillion-pound fraud involving seven of Australia's biggest companies.

The 16-year-old, who cannot be identified for legal reasons, is alleged to have helped to mastermind a share market swindle worth £2.25 million.

James Samuel Paris, 23, a share clerk who works for a Perth-based financial company, was also charged with fraud. Police are searching for a third person believed to be implicated in the racket, which involved forging share transfer certificates to obtain share certificates worth \$AUS5 million. Mr Paris and the schoolboy are expected to face more charges.

The Australian Stock Exchange was alerted to the fraud a few days before Easter, when Perth stockbrokers unwittingly caught in the sting, informed police.

The share racket triggered a big investigation by the Australian Securities Commission, the Stock Exchange and the Perth Fraud Squad. Fourteen fraudulent share transfer documents were found to have been issued for such well-known Australian companies as Santos, Westpac and Coles Myer, since the beginning of the month.

Police said the schoolboy tried to sell the shares just before the Easter break. The idea was to deposit the proceeds into a number of bank accounts under several names.



Patten: blamed by China over unease

Mahathir's Islamic bogey falls flat

FROM CHRISTOPHER THOMAS IN KOTA BHARU, MALAYSIA

THE Malay heartland state of Kelantan has remained the Beach of Passionate Love. It is now Moonlight Beach. Gambling has been banned, alcohol restricted, and women are required to wear a headscarf. A man must not be "in close proximity" to a woman who is not his wife.

As Datuk Seri Dr Mahathir Mohamed, the Malaysian Prime Minister, would have it, these loosely enforced rules are proof that Islamic fundamentalism is running riot in Kelantan, a bastion of Malay culture and the only state out of 13 that his Government does not control. He wound up his election campaign yesterday with a warning that Islamic extremists threatened the carefully constructed harmony between Malays, Chinese and Indians.

It is empty propaganda. The inhabitants of Kelantan are no more menacing than the hundreds of thousands of orthodox Muslims who don suits and ties and work in Kuala Lumpur. Dr Mahathir has been talking up the Islamic threat in the hope of scaring Kelantan away from the Islamic Party of Malaysia (PAS), which captured the state from him in 1990.

They laugh at Dr Mahathir's rhetoric in the grabby PAS office in the state capital of Kota Bharu. They can afford to: even before the

votes are counted tonight and tomorrow, they are certain they have again defied his mighty political machine.

Kelantan, rooted in agriculture and with cultural links to Thailand and Cambodia, is not dazzled by Dr Mahathir's promises of huge development funds if it returns to his fold. A tradition of Islamic scholarship has made it the most conservative of the 13 states, but rabidly fundamentalist it is not.

Hashim Omar, a senior PAS official, says: "We have excellent relations with all other religions in Kelantan."

Malaysia is haunted by the 1969 anti-Chinese riots, spurred by Muslim resentment of Chinese wealth. For all Dr Mahathir's warnings, there is probably less chance of racial conflict now than at any time since independence in 1957. The balm of money has healed the 1969 wounds: all groups are better off and the owners of the limousines prowling Kuala Lumpur's streets are today as likely to be Malays as Chinese.

For all its comparative poverty, Kelantan plainly prefers its Islamic identity and unspooled Malay culture to Dr Mahathir's promises of vast investment. People do not believe a religious threat exists and they are unlikely to so long as there is enough prosperity to go around.

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Clinton den chat show message

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Clinton denounces chat show hosts' message of hate

FROM MARTIN FLETCHER IN WASHINGTON AND TOM RHODES IN OKLAHOMA CITY

PRESIDENT CLINTON last night accused right-wing radio talk show hosts and other "purveyors of hatred and division" of fomenting the climate of anger in America that led to last Wednesday's Oklahoma City bombing.

These "promoters of paranoia" had given the impression that "violence is acceptable," said Mr Clinton, seizing the chance to lash out at some of his most virulent political critics. They had to realise that their bitter words had consequences, he declared. It was time for all Americans to stand up against their extremism, warning that the majority's continued silence in the face of such a threat to "our country, our future, our way of life," was "unforgivable".

The President is demanding sweeping new powers to crack down on domestic terrorism in the wake of the bombing. "We're going to purge... the dark forces which gave rise to this

Washington: The Justice Department is preparing to bring charges against two brothers, Terry and James Nichols, being questioned about the bombing, as a means of holding them while investigators seek further evidence (Martin Fletcher writes). The FBI reportedly found possible bomb-making equipment at the Kansas home of Terry Nichols.

evil". Mr Clinton is sending Congress legislation empowering federal agents to comb the telephone, credit card and travel records of right-wing paramilitary extremists and other groups suspected of terrorism. He will demand more funds to monitor and infiltrate such organisations and is to establish an inter-agency Domestic Counter-terrorism Centre co-ordinated by the FBI.

Mr Clinton wants a review of security at all government buildings across the country, and there is now a real possibility that Pennsylvania Avenue will be closed to traffic in front of the White House.

In Oklahoma City, the sixth day of the rescue search, coinciding with the first funerals for victims, all but extinguished hope of more survivors being found.

While firemen and volunteers said they were close to the children's day care centre and the underlying social security offices — areas devastated by the blast — other damage at the scene had increasingly hampered efforts to find those still missing.

"I'm going to be hoping and praying until we turn over the last piece of rock and find the last body," said Stacey Ward.

a fireman. The rubble of the nursery has created a psychological block for the workers. They know that the impact of hundreds of hours of digging will not merely affect the rescue teams, it will touch the entire community. "That's when I'll be falling apart," Mr Ward said.

For some of those involved in the search, depression has turned to anger, directed mostly at Timothy McVeigh, until yesterday the only man charged in connection with the bombing. In a particularly telling incident the previous evening, a drunken agent from the Drug Enforcement Agency took out his gun in the middle of a restaurant, saying he would avenge a colleague lost in the building.

"I've spent four days in that building and I can tell you there's nothing left more than the size of a plate," said the man, red-eyed with drink and grief. "I'll shoot McVeigh if I see him in open court."



A father and his 13-year-old son, who refused to give their names, listen to a briefing at a training session of militia members in northern Michigan

Suspect's associate hunted after faxed warning of blast

FROM BEN MACINTYRE IN OKLAHOMA CITY

MARK KOERNKE, a right-wing paramilitary zealot believed to have sent a cryptic fax to a congressman in Washington on the day of the Oklahoma bombing, was being sought by the FBI yesterday as the search for the perpetrators intensified.

Mr Koernke, 37, a former army intelligence officer who heads a radical anti-government splinter group known as the Michigan Militia at Large, was wanted for questioning by the FBI about a handwritten fax sent to Steve Stockman, a Republican, last Wednesday. The message, in the form of a "bomb alert", said: "First update. Building seven to ten floors only. Military people on scene. BATE/FBI. Bomb threat received last week. Perpetrator unknown at this time. Oklahoma". BATE are the initials of the Bureau of Alcohol, Tobacco and Firearms which, like the FBI, had offices in the bombed building and was involved in the siege of the Branch Davidian cult in Waco, Texas, two years ago.

before the blast, but the authorities believe it was probably sent soon after the explosion.

Mr Koernke, who has his own shortwave radio show in which he propagates extreme right-wing views, is reported to be an associate of Timothy McVeigh, who has been charged with the bombing, and brothers Terry and James Nichols, who are being held as material witnesses. All three men have been linked with the militia movement in Michigan.

On Sunday, just hours after the fax was made public, Mr Koernke and several other men were seen loading boxes and rifles into a car outside his home in Denver, Michigan. He has not been seen since.

Aides to Mr Stockman initially threw away the fax, apparently sent from the Michigan town of Wolverine, but later retrieved it and sent it to the offices of the National Rifle Association in Washington with a request for help in identifying the sender.

Mr Stockman insists that the message was also passed to the FBI, adding: "You get weird stuff all the time."



Clinton: violence is not acceptable

Landlord vows to evict orphans

BY BEN MACINTYRE

TWO contrasting tales of heroism and harshness have shed a poignant light on the suffering in Oklahoma City.

On the day that a nurse who ran into the bomb-blasted building died of head wounds, sustained as she tried to help the victims, a landlord vowed to evict six children orphaned by the explosion.

O. E. Gandy, a landlord in the town of Guthrie, near Oklahoma City, has said he will evict the six children of Robert and Donna Luster, who are aged between seven and 22, on Friday. Mr and Mrs Luster are believed to have been in the social security office of the Alfred Murrah Building on April 19, and are now among the 150 people still missing.

Mr Gandy claims he is owed \$1,500 (£960) in back rent by the Lusters. "They gotta be gone. If not, I'll spend \$40 and get the sheriff to set 'em out," Mr Gandy said. "Right now, they're staying there for nothin'... they could've walked off."

Robert Luster worked at a local company in Guthrie for 13 years, until a heart attack in 1992 put him on a tiny disability pension. He had gone to the social security

office to plead for a full disability pension to enable the family to move.

If Mr Gandy's lack of compassion shows one side of human nature, the fate of Rebecca Anderson, reveals another. A licensed nurse who rushed to the devastated building within minutes of the explosion, Mrs Anderson immediately set to work treating the injured. But an hour after the blast she was found, wandering dazed through the building, with an unexplained head wound, possibly caused by falling debris.

Moments later she collapsed and was taken to University Hospital where she lapsed into a coma and died on Sunday. "She didn't have to be there. She went down there to help people and it cost her life," said Sheila Hand, a fellow nurse.

The plight of the Luster family has prompted a wave of fury towards their implacable landlord and hundreds of donations to the bemused and grief-stricken children. A property agent in Minnesota donated six months' rent, a local church raised \$3,000, and a Kentucky couple offered a home for the family.

"We're looking for a permanent place for them to live," a Red Cross spokesman said.

US budget battle moves to Senate

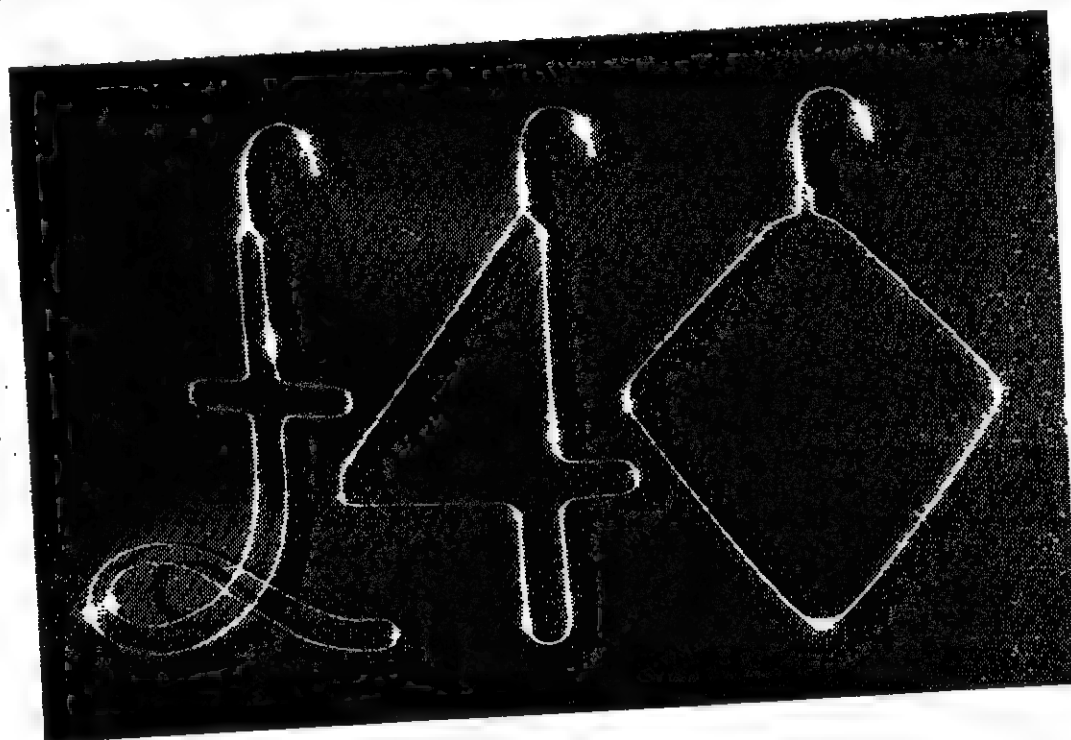
Washington: The Republican Party took to the ramparts for its second 100 days in control of Congress yesterday and faced a herculean battle to balance the US federal budget (Ian Brodie writes).

Unlike the first 100 days, when most of the reformist action was in the House of Representatives, the focus will shift to the Senate where the Republican majority is far less cohesive. The promise, and the challenge, is to shrink the annual budget deficit to zero within seven years, an un-

imaginable idea before the Republicans took charge after last November's elections.

To meet the deficit goal will mean chopping government spending by \$1,200 billion (£750 billion). Targets for the axe include farm subsidies, welfare, education, mass transport and, most sensitive of all, Medicare, the programme that pays medical bills for the elderly and disabled, and Medicaid, which does the same for the poor and for those suffering from long-term illnesses.

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UN names Mladic and Karadzic as war crime suspects

BY EVE-ANN PRENTICE, DIPLOMATIC CORRESPONDENT

RADOVAN KARADZIC, the Bosnian Serb leader, and General Ratko Mladic, his military commander, were yesterday named as war crime suspects by the United Nations tribunal for the former Yugoslavia.

The move caused consternation among some diplomats worried about the effect on the peace process, while Bosnian Serb officials said the tribunal was acting under pressure from the United States.

Judge Richard Goldstone, the tribunal prosecutor, also named Mico Stanisic, the former Bosnian Serb secret police chief, as a suspect. All three could face charges in absentia by the end of the year. "My office is currently investigating the question of responsibility of these prominent individuals for genocide, murder, rape, torture and the forced removal of many thousands of civilians from large parts of Bosnia and Herzegovina," Judge Goldstone said in The Hague.

The Bosnian Serb leadership, based in Pale, is also being investigated in connection with the siege of Sarajevo and armed attacks on aid convoys and UN troops.

The three suspects were

named as the tribunal took custody of its first suspect, bringing it a step closer to the first international war crimes trial since the Second World War. Dusan Tadic, a Bosnian Serb, is accused of atrocities at the notorious Omarska detention camp. He was taken to Scheveningen jail in The Hague amid tight security, after being flown by helicopter from Germany, where he was arrested in February 1994.

Mr Tadic is accused of murdering, raping, beating and torturing Croats and Muslims in north-west Bosnia, and will be asked to plead guilty or not guilty to these charges during a first appearance before the tribunal tomorrow morning.

In one incident at the Omarska camp, Mr Tadic is alleged to have forced a man to bite off a testicle from another prisoner, who later died of his injuries. The indictment accuses Mr Tadic of participating in 13 murders, beating and torturing 16 more victims, and raping an unidentified woman at Omarska. The trial is expected to start this summer.

In Sarajevo, UN officials were worried that the naming of Bosnian Serb leaders as

suspected war criminals might jeopardise attempts to extend the truce due to expire on May 1. "We hope that decisions made in The Hague will not affect the peace process and our current negotiations in trying to extend the ceasefire," Alexander Ivancko, a UN spokesman, said.

The Bosnian Serbs are also due to review an agreement with the UN over the use of Sarajevo airport for a humanitarian airlift tomorrow.

Alain Juppé, the French Foreign Minister, yesterday repeated threats to withdraw French troops — the largest contingent in the UN peace-keeping force — if the truce was not extended. "We have the largest contingent and by withdrawing it we might tip the balance," M Juppé said.

France wants the Security Council to enforce respect for the UN mission in Bosnia, to extend the ceasefire and to renew negotiations between the warring parties. "Either we get the ceasefire and we stay, or we don't get the ceasefire and we plan to move out," M Juppé said.

Judge Goldstone said he wanted the tribunal to ask Bosnia-Herzegovina to suspend its legal proceedings against Dr Karadzic and hand the case to the tribunal. Haris Silajdzic, the Bosnian Prime Minister, said: "Yes, I think that we will co-operate with the tribunal in The Hague."

Yesterday's announcement was the first clear sign that the tribunal plans to target prominent figures condemned by the West for their role in the three-year old Bosnian war. The tribunal has indicted 22 Serbs so far, but all except Mr Tadic are believed to be at large in Serb-controlled areas of Bosnia or in Serbia itself.

Serbia and the Bosnian Serbs have refused to co-operate with the tribunal, which plans to issue arrest warrants for suspects who fail to appear for trial.

President Milosevic of Serbia imposed a military and economic blockade on the Bosnian Serbs after they rejected the latest peace plan last year.

Revival of Left puts Italian election on hold

FROM JOHN PHILLIPS IN ROME

THE conservative Freedom Alliance led by Silvio Berlusconi was neck and neck with the centre-left in Italian regional elections yesterday. His Forza Italia grouping slipped into second place, however, behind the former communist Democratic Party of the Left (PDS) as Italy's largest party.

Francesco Cossiga, the former President and a conservative, predicted that "a great success for the Left is emerging because if one adds up the votes of the PDS and Communist Refoundation (hardline Marxist), the historic Left has 33 to 34 per cent. That is to say, we are at levels that not even the old Italian Communist Party ever reached."

Commentators said the outcome would be too indecisive to force President Scalfaro to call an early general election in June, as Signor Berlusconi had hoped. Projections for state television gave the former Prime Minister's alliance 42.4 per cent, with the centre-left on 40.5 per cent. The PDS took 25 per cent of the vote, with Forza Italia on 23.3 per cent.

Observers said that the centre-left might win between one to nine of the 15 regional governments being contested.

The devolutionist Northern League took 6.9 per cent of the vote and the "post-Fascist" National Alliance took 14.9 per cent, well below the 18 per cent that Gianfranco Fini, its supreme, had set as his target.

Cesare Previti, a senior Forza Italia official, shrugged off the fact that the PDS had overtaken his party on the basis that five semi-autonomous regions, including Sicily, were not taking part in the regional polls but would be involved in a general election. He added that Forza Italia had done well in Sicily in last year's general election.

Signor Berlusconi who resigned as head of government in December after he was investigated on suspicion of corruption, said his forces might try for a no-confidence vote against Lamberto Dini, the Prime Minister.



Anti-nuclear protesters block the railway line at Dannenberg yesterday where a radioactive cargo from southern Germany is due to be unloaded this morning

Nuclear protest stops trains

FROM REUTERS IN BONN

GERMAN anti-nuclear activists delayed tens of thousands of railway commuters yesterday by pulling down overhead power lines to disrupt services just before a nuclear waste shipment was due to leave Philippsburg last night.

Police officers and campaigners prepared for confrontations when a railway container of highly radioactive spent fuel rods set off last night from the Philippsburg reactor in southern Germany bound for a new storage depot at Gorleben near Hamburg.

The activists threatened to cause similar disruption late

last night and today to prevent the fuel container getting to Gorleben, about 500 miles southeast of Hamburg.

At least 100 police officers were on duty in this Japanese village, yesterday as anti-nuclear activists converged on the port to try to disrupt the arrival of the British ship *Pacific Pioneer*, which is due to unload 14 tonnes of waste from plutonium reprocessed in France.

Dozens of protesters including Buddhist monks marched through the village with banners saying: "No high-level nuclear waste! Stop bringing in nuclear waste!"

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Russian women finding solace in affairs

FROM MICHAEL BUNTON IN MOSCOW

MORE than half of Russian women are unfaithful to their partners, and of these only 42 per cent feel any remorse about their infidelity, according to a survey of attitudes to sex in Russia.

Paradoxically, many women reported that they were content with their sex lives more than half said they were satisfied, 31 per cent were not fully satisfied, and only 17 per cent were extremely dissatisfied. Those not satisfied complained of infrequent sexual intercourse and the need for more love and affection.

The survey, a far from scientific compilation of answers to a questionnaire completed by 1,700 women, was conducted by *Cosmopolitan*, the women's magazine. Its Russian edition, today celebrates its first anniversary, and has seen its circulation rise to 350,000.

Earlier sociological research found that women in Russia tended to marry young and divorce quickly. The abortion rate was, and remains, extremely high, and many Russian women complained that most men were poor lovers because so many were often drunk. As a result, women tended to take the dominant role in relationships and found their only close friendships were with other women.

The *Cosmopolitan* survey bears out many of these findings, but it also suggests that the most educated women were not as promiscuous as they were reputed to be, nor significantly different in attitudes to Russian women 20 years ago. The average age at which most respondents first had sex was just over 18, and almost half those answering had only had five or fewer partners, with some 10 per cent saying they had more than 25 partners.

Cosmopolitan found that half those asked made love more than once a week, and a third from once a week to twice a month. But for 75 per cent said that they wanted more.



Radovan Karadzic, left, and General Ratko Mladic attend a recent Bosnian Serb assembly session

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THE TIMES TUESDAY APRIL 25 1995

Tutsis stone survivors of massacre

By EVA-ANN PRENTICE, DIPLOMATIC CORRESPONDENT

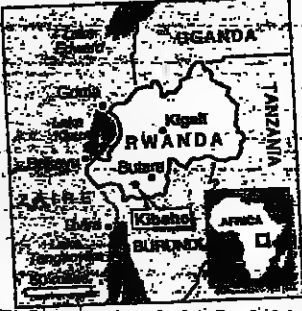
BATTERED and panic-stricken survivors of the refugee massacre in Rwanda faced fresh savagery at the hands of their Tutsi foes yesterday, as United Nations peacekeepers were accused of doing almost nothing to protect the victims.

Many Hutus who survived the weekend slaughter at the Kibeho camp were yesterday stoned or backed with machetes by civilians as Tutsi-led Government troops force-marched them from the camp to the town of Butare, where they were ordered to head for their former homes, many of which are now occupied by Tutsis. Some huddled for shelter in a stadium in the town.

The refugees' ordeal continued as aid workers accused members of the United Nations Assistance Mission in Rwanda, Unamir, of standing by while the Tutsi-led Rwandan Patriotic Army (RPA) moved down thousands of Hutus at the Kibeho camp, 12 miles from Butare on Saturday. Major-General Guy Tousignant, the Canadian UN force commander, called the mayhem a "regrettable incident", and praised his Zambian troops for not firing a single shot.

Oxfam, the British charity, criticised the UN peacekeepers for not being present to protect the refugees from attacks by Tutsi civilians as they were marched from the camp on Sunday and yesterday, as part of a Rwandan government campaign to clear 250,000 Hutus from a series of camps.

The UN was further criticised for causing confusion about the scale of the Kibeho camp massacre. UN officials



said originally that up to 8,000 men, women and children had perished, but yesterday reduced the estimate to about 2,000. Yet aid workers from Oxfam and Médecins Sans Frontières said their workers had counted at least 4,000 corpses on Sunday, and that was only in the parts of the camp to which they were allowed access.

The Rwandan Government claimed that 300 people had died in the camp on Saturday, and some aid agencies said yesterday that the UN was wary of arguing with the Government since its mandate in Rwanda is due for renewal at the beginning of June.

"Unamir has screwed up — it can't blow its nose without asking the army first," said John Macgregor, of Oxfam. "Unamir do not appear to be doing their job," said Guy Vassall-Adams, also of Oxfam. "Our staff are very angry because the voluntary agencies have been doing what the UN should have been doing. The problem seems to be 90 per cent lack of resources and 10 per cent ineptitude."

The Rwandan army said it was ready to flush out the last 1,000 Hutus left in Kibeho

camp. "We are getting impatient with these people," said one soldier as hundreds of troops massed at the camp.

"Either they surrender and we take them to jail or we go in and take them out. We are ready for them but we are just waiting for orders from Kigali," he said.

RPA soldiers at roadblocks around the deserted camp blocked aid workers from going in, including the representative of the UN High Commissioner for Refugees, Wenoeslans Urasa.

The UN force in Rwanda consists of 5,500 soldiers from Nigeria, Ghana, Malawi, Tunisia and India, but its mandate dictates that it must work in co-operation with the Government. There are also supposed to be 147 UN human rights monitors in the country to help to prevent abuses against refugees returning after last year's genocidal war, but only about 80 of the observers have been deployed.

"The monitors don't speak the language and don't have the relevant human rights background," said Mr Vassall-Adams. "It is a farce and a shame on the international community."

Britain, a leading donor to Rwanda, was at odds with France yesterday when it backed the Rwandan Government's version of events.

"These camps are full of Hutu extremists with weaponry who were breaking out at night, terrorising the villages where people have resettled," said Baroness Chalker of Wallasey, the Overseas Development Minister.



Medical staff from the Australian Armed Forces tending a Kibeho camp casualty

Onlookers jeer as judge adjourns trial of 'ill' Banda

By INIGO GILMORE IN BLANTYRE AND OUR FOREIGN STAFF

MEDICAL experts said yesterday that Dr Hastings Banda, the former dictator of Malawi, was too ill and upset to come to court to face charges that he ordered the killings of four politicians.

After hearing from a doctor and a nurse on the first day of Dr Banda's trial and considering a defence request for more time to review the evidence of state witnesses, Judge Mackson Mkandawire adjourned the hearing until next Tuesday.

The judge also rejected a request for bail for John Tembo, one of those accused with Dr Banda. The former Police Minister had argued that he was being denied speedy justice, but the judge said prosecutors were doing their best to expedite the trial.

There were angry scenes outside the High Court in Blantyre when the murder trial was brought to a halt. As the handcuffed defendants — Mr Tembo and three police officers — filed into the packed courtroom there were gasps when it became clear that Dr Banda, who is said to be in his late nineties, was not present.

For the large crowd gathered on the grass outside the whitewashed court buildings, it was a bitter disappointment. From early morning hundreds had flocked to the court to catch a glimpse of the tyrant they once called the Messiah. Many believe that the man who ruled over them

with an iron fist for nearly 30 years will never face justice.

Dr Banda and his co-accused have been charged with the murder of three ministers and an MP in 1983, allegedly on the ground that they opposed his rule.

Malawians suspected that Mr Tembo manipulated Dr Banda through the woman widely thought to be his mistress, his "official hostess" Cecilia Kadzamba. She is Mr Tembo's niece and yesterday sat grim-faced alongside her uncle as defence counsel, advised by British lawyers, made their unsuccessful application for bail.

The couple were the main target of the large and unruly crowd yesterday. As the police riot van carrying the defendants sped past the waiting demonstrators, they were jeered and booed. Paramilitary police armed with automatic weapons battled to control the surging mass and in the ensuing scuffles at least one man was injured by police dogs.

Sections of the crowd chanted "Wolimb Amama" (hard-hearted) and "Wakupha" (murderer). "They should all hang for what they did to the people of Malawi," Captain Isaac White, 28, a supporter of the United Democratic Front which took power from Dr Banda in multi-party elections last year, screamed. "If the court lets them off, I will kill them myself."

Ugandans search for weapons in Sudan row

Kampala: Ugandan police searched a Sudanese diplomat's residence in Kampala yesterday but found no signs of a cache of landmines, rifles and uniforms that the Kampala authorities had claimed were hidden there. Three pistols and three rifles, and several rounds of ammunition, were found in the house of the Sudanese military attaché, which has been besieged since Friday night, by 50 Ugandan soldiers. Uganda announced it was severing diplomatic relations with Sudan on Sunday, accusing its diplomats of engaging in activities that endangered the East African state's security. (Reuters)

Calcutta blaze

Delhi: A fire, apparently triggered by an electrical short-circuit, destroyed more than 200 textile shops in Calcutta, but there were no deaths. More than 300 firefighters fought the blaze. (AFP)

Marcos barred

Manila: Imelda Marcos, the former First Lady of the Philippines, has been barred from running for congress in next month's elections after failing to comply with residency rules. (AFP)

Tougher penalty

Abu Dhabi: The Cabinet of the United Arab Emirates adopted the death penalty for drug traffickers and ordered prison terms of at least four years for users, the official agency Wam said. (AFP)

Culture clash

Bangkok: Thailand blacklisted an American writer who put information about its thriving sex industry on the Internet, saying his actions were not in line with its morals and culture. (Reuters)

Mandela proud over progress of a year in power

FROM MICHAEL HAMMILL IN JOHANNESBURG

PRESIDENT MANDELA of South Africa faces disruption of this week's celebrations of the anniversary of last year's first democratic elections but said yesterday that he was proud his Government had gone a long way to change the evils of the past 300 years.

The disruption is expected from the Inkatha Freedom Party, which says that the African National Congress and the National Party have reneged on promises of international mediation over federal and provincial government powers. The offer helped to persuade Inkatha, led by Chief Mangosuthu Buthe, to take part in the elections.

"We shall have nothing to celebrate on that day," said Siphosizwe Mxale, the Prisons Minister, and an Inkatha member.

At a press conference Mr Mandela brushed aside the threat, saying that he would not yield to blackmail. He said he was prepared to negotiate anything with anybody, but that would not take part in "empty talking shops".

The President said it was difficult to say that all his expectations last year had been fulfilled, but he said he was proud that "we have gone a long way to change the evils that have affected the people of South Africa for the past 300 years."

Mr Mandela picked out as examples of progress the free medical care for all children under the age of six and pregnant women, and the free "Mandela" sandwiches school meals programme in impoverished rural areas. He admitted that a lack of resources meant that there were long queues at hospitals and that hungry adults often took food intended for school children.

Mr Mandela said his Government had created a favourable climate for investment in the country, and during his visits abroad he had heard nothing but praise for the country's economic policies.

The President said he was generally fit for a man of 76. "I would like to challenge Mike Tyson. That is how fit I feel," said Mr Mandela, a keen boxer in his youth. "In a few months I will be 77 and one has a lot of ailments at that age."

Referring to the sacking of his estranged wife, Winnie, from her job as Deputy Minister of Arts, Culture, Science and Technology, Mr Mandela said: "I think we have to cut out personal matters in matters of this nature and concentrate on the broad issues."

He said he episode was not an embarrassment to him and added: "I am very sorry that an able person like Mrs Mandela is out of this position. But I hope she will use this to review the situation and again be available so that we can use the undoubted qualities that she has."

Mrs Mandela was yesterday released from the Johannesburg clinic where she has been undergoing a week-long series of tests and recovering from an electrolyte imbalance in her blood, which threatened her kidney level and blood pressure. Fears have been expressed that she had developed a form of diabetes.



Mandela: Joked about taking on Mike Tyson

Bogotá acts over drug scandal

FROM REUTERS IN BOGOTÁ

IN ONE of the worst political scandals to hit Colombia's ruling Liberal party in years, nine of its congressmen have been temporarily suspended following allegations that they received money from drug traffickers.

The party suspended the congressmen, including the President of the House of Representatives, after the country's Prosecutor-General called for investigation of claims that they accepted money from Colombia's Cali cartel, one of the world's most powerful drug organisations. "These people are temporarily suspended until the Supreme Court decides their

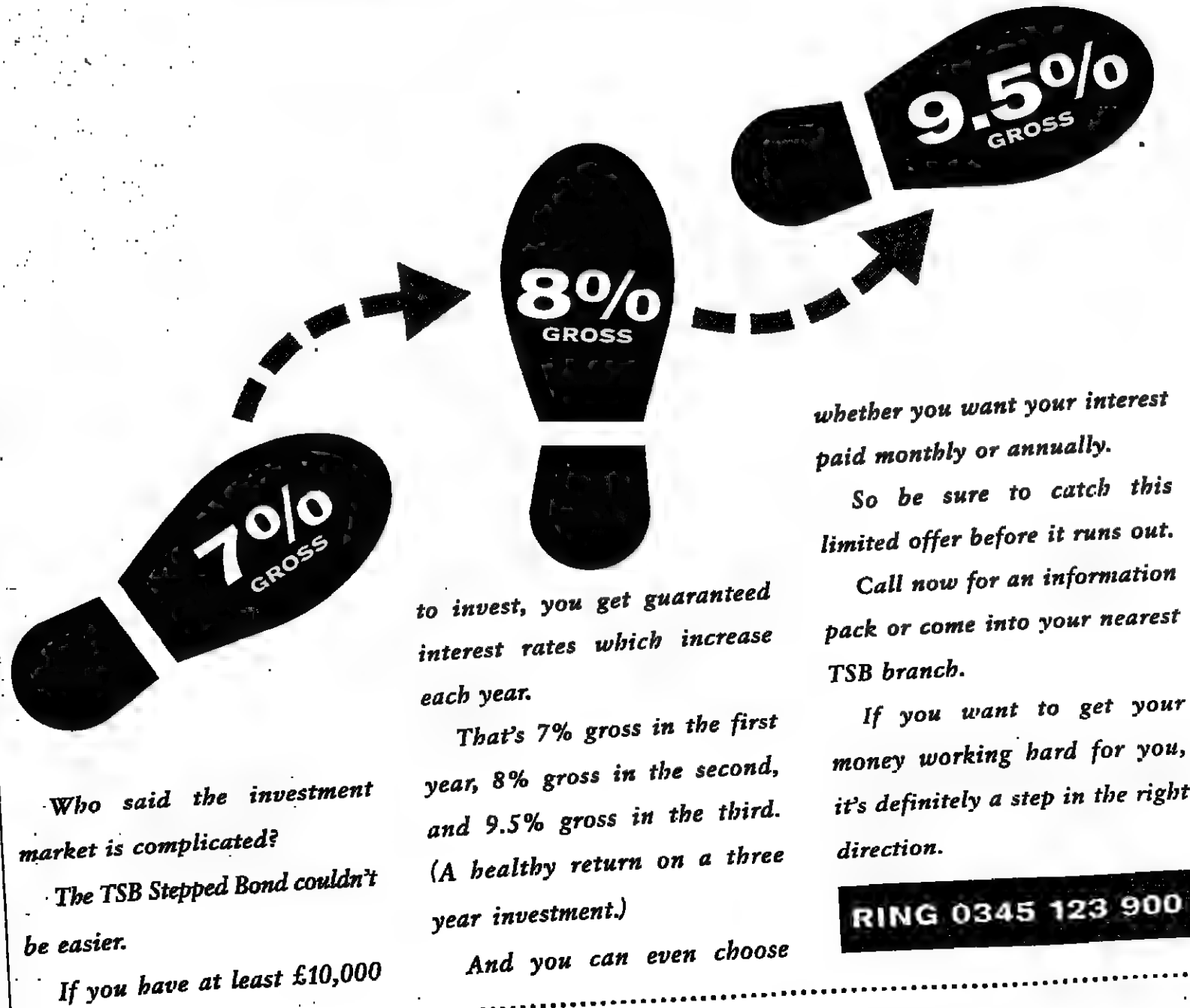
judicial situation," the co-ordinator of the party's Council of Ethics Control said. Alvaro Coral Ceron, whose council issued one of its most severe resolutions ever in the suspension of party members on drug money allegations, said a preliminary investigation would also be opened against other implicated members, including Eduardo Mestre Sarmiento, a former senator.

Alfonso Valdovinos, the Prosecutor-General, stunned the country by asking the Supreme Court to investigate evidence suggesting that the congressmen and other people had accepted money

from the cartel or one of its front companies. Señor Valdovinos, who also ordered the arrest of Señor Mestre for illicit enrichment, said his office was investigating 23 other suspects on similar charges. Most of the congressmen have denied any wrongdoing.

It is not the first time that the Liberal party, which has ruled the country through successive governments, has been struck by a drug scandal. In 1984, leading party members reportedly met in Panama with Colombian drug traffickers, who supposedly offered to cancel the national debt in exchange for favours.

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Why set up a burger bar in Venice?

Rampant commercialism will destroy the magic of St Mark's

Working on the Benetton principle that the purpose of advertising is to upset people, no doubt McDonald's judges its latest campaign — in which a child brings together its estranged parents on the premises of said burger bar — to be a great success. The advertisement has been criticised by the Independent Television Commission, rather than banned as its detractors had hoped. Still, the charge remains: that it is cruelly exploitative of children in a vulnerable position, and furthermore likely to raise hopes bound to be distressingly dashed.

Well, perhaps it's as it should be that the commercial is allowed to continue broadcasting. After all, advertising is not a branch of the social services. And tell me of an ad that doesn't exploit. But I can see the problem. Added to which, I have noticed that one of the greatest difficulties divorcing people have is accepting the amount of pain they are inflicting on their children. Trying to deny the depth of suffering they themselves cause, they are understandably, guiltily, hypersensitive about the hurt inflicted by others.

Not that this line of thought exonerates McDonald's, for the ad is, at best, in bad taste. But there's worse to come. They desire a site in Venice. Well, why shouldn't they? But to propose to set up shop in St Mark's Square itself seems to be carrying things too far. This goes further than a mere lapse in taste.

I am not against the burger, even if I do not relish it. But why is there a need to have a McDonald's in St Mark's Square? Why can't it just be tucked away in one of those labyrinthine side-streets somewhere. (I seem to remember there is a similar venture anyway, directions to which are charmingly picked out in mosaic on one of the paving stones just outside the Piazza San Marco.)

Also, I understand the idea behind McDonald's is that wherever you go you can, supposedly, reassurance, eat the same thing. Of course the Americans are a conformist and insular lot. No doubt their desire to diminish differences says a lot about them and the particular nature of a nation founded with a common aim for those of disparate origin. But frankly those who can't bear the idea of the new, the

different, the foreign, should not go abroad in the first place. It's not as if there aren't plenty of other outlets for disgusting food in Venice as it is.

Of course, the sad fact is that plenty of Venetians — those few that remain — are no doubt the keenest on the idea. But the drawing room of Europe, as Alfred de Musset called St Mark's Square, is built to receive guests. If the natives want a branch of McDonald's they should realise that politesse demands they shove it into one of the less showy-off antechambers. You don't eat a burger in a drawing room, after all.

I concede that my dismay may be both sentimental and illogical. But it isn't fatuous to want to preserve St Mark's Square as it is, because the whole point of Venice is that it hasn't changed: one looks at it through the same eyes as all those travellers of the past and that's part of its magic. And yes, it is illogical: Venice is a city built on the mercantile virtues; and you could argue that McDonald's was fired by the same spirit. But it wouldn't be right, and we have to stop it. Since the Venetians don't look likely to, I think that we have to turn to the noble lord himself. If John Julius Norwich can halt the waves which threatened once to swallow up the island, I think we can trust him to banish the burgermongers.



NIGELLA LAWSON

Dafter Bafta

CHOOSING Billy Connolly to present the awards was not the only error of judgment Bafta made on Sunday. The best film of the year was out of the running at the Oscars, banned on a silly technicality. We had our chance to make right a great wrong, when Linda Fiorentino was up for best actress in her role in *The Last Seduction*. We, or rather, Bafta missed it. Still I suppose we at least admitted the film's existence. But we ought to be doing more, we should be applauding it.

When we're talking solecisms, nothing quite compares with the decision to consider a programme which remembered Arnhem alongside televised football matches and the Grand National. I know the Battle of Waterloo was said to have been won on the playing fields of Eton, but that still doesn't make the Second World War a sport.

*geweldig met elkaar in de twee dagen
winnen de alle 8 niet anders meer dan
dat we een grote familie gevonden
hebben van zelf een beetje haterij*

Protector of a stirring name

Julia Llewellyn Smith talks to one of the few people who remembers Anne Frank — her cousin

For millions of people, Anne Frank is the human face of the Holocaust: the vivacious Jewish girl, with a crooked smile and huge, dark eyes, whose diary, recording her two and a half years in hiding, has sold 25 million copies, been translated into 55 languages and is the world's third most-borrowed factual library book. Each year 500,000 people visit Anne's "secret annexe" at 263 Prinsengracht, Amsterdam.

The account of those claustrophobic years before her early death, 50 years ago in Bergen Belsen, is so honest and funny that most of us feel as if Anne had been a friend: the incurable chatterbox, a self-confessed "terrible flirt, coquettish and amusing", who witnessed the world "gradually being turned into a wilderness". Buddy Elias is one of the few surviving people who actually did know Anne, his first cousin, with whom he played every summer in Switzerland.

"We got along wonderfully," says Elias, 69, her only surviving relative, in London for today's memorial service at St Paul's. Had she lived, Anne would be 65.

"The age difference didn't matter: she was a very lively, funny girl and I was very lively too. We played puppet theatre and had a lot of fun. She was an absolutely normal girl; she always had a lot of friends. She was certainly not some kind of 'wonderchild'. Anne's father, Otto, and Buddy's mother were brother and sister, born and brought up in Frankfurt. Buddy was five when his father decided to move to Switzerland. It was not an escape. Father was the representative of a German pharmaceutical firm with offices in Switzerland and luckily we were sent there before Hitler. Otherwise I wouldn't be here either."

The Franks were not so lucky. Otto found a job with the same firm, but in 1933 he decided to become a representative in Holland. "He had contacts in Amsterdam and he was convinced Germany would not invade Holland, because it had been left alone in the First World War," says his nephew.

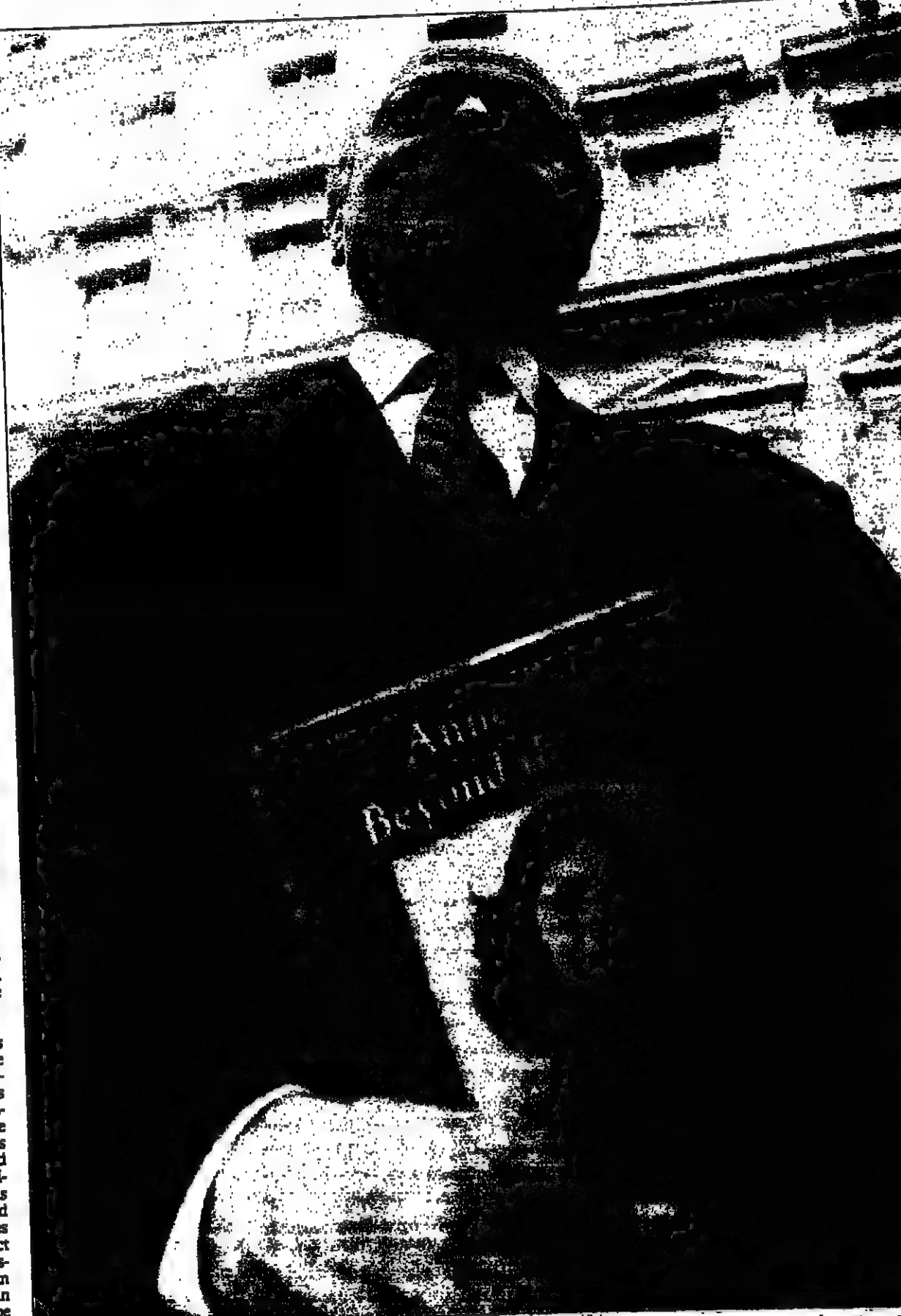
It was the wrong decision: the Germans invaded and life for Jews became increasingly restrictive. In 1942, after Anne's sister Margot received a summons to a forced labour camp in Germany, the Franks and another family, the van Pels, went into hiding in the

attics of Otto's warehouse, where they were soon joined by a dentist, Fritz Pfeffer. Otto's mother and the Elias cousins in Switzerland had no idea what had happened to their relatives. "They said we shouldn't worry if we didn't hear from them for a while, but of course we did." The only clues to their cousin's wellbeing came from a mutual colleague, who was helping the Franks. "We would receive a letter that never mentioned them but would be saying something very ambiguous, like 'Our little girl is growing', and we knew that must refer to Anne," says Elias, beaming.

Anne, meanwhile, had not forgotten her cousin. At one point in the diary she fantasises about ice skating with Berod (she disliked the name Buddy, a nickname for Bernhard) after the war, even designing a little dress to wear. At another point she talks of news that Berod has a part in a play: "He always had artistic leanings," says mother. Both entries were excruciatingly apt: Elias became a successful actor and ice dancer, and was in a West End production of *The Canterbury Tales* in 1979. Currently he is appearing as Leonardo in *Much Ado in his home town of Basle*. "Anne would have been so happy. Acting was one of her dream professions," he says. "But if she had lived she would definitely have become a writer."

Elias's spare time is dedicated to the Anne Frank foundation, which he, his brother, Otto, and Otto's second wife Fritzi set up in the early 1960s. Anne Frank has become a multi-million pound industry: Elias and his beautiful wife Geri direct the funds from the book, the play and the television series into scores of youth charities and protect their cousin's name from misappropriation. "There was an import-export company in Singapore that wanted to be called Anne Frank, and a Spanish firm that wanted to make Anne Frank jeans," he says, brow furrowing in disbelief.

He has also been working hard at a new, virtually unpurged edition of the diaries which is in the bestseller charts in America, but yet to find a publisher here. This diary has been newly translated — "It is really Anne-like now" — and is far more graphic than earlier editions. "Otto cut out a lot of things, all the really aggressive accounts,"



Buddy Elias, in London for today's memorial service at St Paul's: "We played puppet theatre and had a lot of fun."

She wrote down everything: her sexual feelings as she grew from a girl to a young woman. These things you couldn't print in 1947."

Otto spent a lot of time with his nephew after the war in Basle. "It was terrible because the first thing we heard from him was a telegram that said 'We are in Marseilles', so we assumed 'we' meant the whole family." In fact Otto already knew his wife, Edith, was

dead, but he and the Elias searched for Anne and Margot for nearly a year, before learning of their death in the typhus-infested concentration camp, just weeks before it was liberated by the Russians.

Elias sighs at the memory of Otto, who died in 1980. "In his mind he was a young man. He had so much contact with young people. When the diary came out he got mountains of letters from young girls that

identified with Anne, and he answered every one."

His uncle, says Elias, bore no bitterness. "He was sad, he was in a very bad nervous condition, but he didn't know the word hate. He always said there were decent people in Germany, too and he went back there after the war."

One remembers Anne writing on July 15, 1944, just days before she was discovered: "It's really a wonder that I

haven't dropped all my ideals because they seem so absurd and impossible to carry out. Yet, I keep them, because I still believe that people are really good at heart."

"That diary pulled the family out of its terrible destiny," says Elias. "It means Anne will never truly die."

● Anne Frank Foundation, Hohenstrasse 104, CH-8059 Basle, Switzerland.

Joanna Pitman goes in vain search of the Parisian intellectuals who once held court in the bars and brasseries

Football beats politics on the Left Bank

HE WAS a large and truculent man with a low forehead and an uncompromising face. The broken nose suggested a professional wrestler, but Stephane Baquet assured me he was a sculptor. "We're all artists and writers around here," he said, pitching a fine Gallic shrug at the crowd gathered around him in the bar of the Bistrot Mazarin. "We vote Communist or not at all." His companion, a furtive personality in a suit of dubious cleanliness, nodded and smiled with the air of definitive scholarship of an extremely drunken man.

My two days spent among the remnants of Parisian café society during the first presidential election round last weekend demonstrated that the grand traditions of intellectual vigour of the Sartre era, from the 1930s through to the 1960s, have not been passed on. Politics no longer stirs the souls of France's intellectuals.

Refugees from high prices and the



Talking politics: at the Brasserie Flo, an illustration from David Gentleman's Paris

tourist invasions that have swept the grand cafés and bars of Boulevard St Germain, those who aspire huddle self-consciously in small back street bars. The hum of gossip rising like steam from their hunched shoulders is more likely to be about football and the strength of the franc than about existentialism and the poetry of Jacques Prévert.

Things were different in the early days. Then, young Bohemians hung

around the cafés unperturbed by the passage of time, living from hand to mouth and dreaming of anarchy. Les Deux Magots, opposite St Germain des Prés, attracted Picasso and André Breton. Regulars at the Café de Flore along the road included Jean-Paul Sartre and Simone de Beauvoir and near by the Dôme and the Café Procope were well known as hatcheries for young intellectuals.

As time went on Sartre and de Beauvoir so enjoyed their status as the magnetic centre of contemporary Parisian café society that they effectively set up home in the Flore, working there from nine in the morning until noon, going out for lunch, back again to their salon to talk with their friends until four and then working again until eight. After dinner people would arrive to see them there by appointment.

The majority of the regulars were markedly less productive. For the most part they were languid idlers whose careful nonconformism was designed to justify their inactivity. Now much of the thinking is done by troops of tourists who flock to the Café de Flore, the Brasserie Lipp and Les Deux Magots and try hard to spot a celebrity. On a good day, Lauren Bacall sipping a café crème at the Brasserie Lipp will win a sharp-eyed tourist ten celebrity points.

Yet three or four blocks away the denizens of the Bistrot Mazarin are hard at work at being Left-Bank intellectuals. The loud debatings on the progress of the elections are fairly orderly apart from the colourful invective, but it soon becomes apparent that there has not been a real writer, poet, philosopher or filmmaker in here for years. M. Baquet, the "sculptor" turns out to be a car salesman and his grubby-suited friend an engineer.

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LEFT BEHIND

Jospin is no French Blair — more like a Barbara Castle

Lionel Jospin, the last candidate to mount the electoral merry-go-round, has demonstrated once again the power in France of a simple appeal to left-wing loyalty. Despite the punning which voters have given the Socialists in recent years, nearly as many people voted Communist or Trotskyist on Sunday as voted on the far Right for Jean-Marie Le Pen.

Almost nobody expected M. Jospin to emerge from the first round of the presidential elections as the front-runner: a week ago, even M. Jospin himself hoped to beat Edouard Balladur for a place in the decisive second round, not to outrun Jacques Chirac and nearly equal François Mitterrand's first-round score in 1981. Yet as recently as last November, the Socialists were in the lead, with Jacques Delors the firm favourite for the Elysée.

"The world's most stupid Right", as Charles Pasqua, the Interior Minister, recently called the Gaullist RPR, has had a shock. M. Chirac's momentum has been halted: that simple fact, for a man who has twice before seen victory elude him, could be damaging in itself. He can now put behind him the destructive battle over political legitimacy, claimed by M. Chirac as leader of the Gaullist RPR party, and by M. Balladur as head of the governing majority. The Right must hope that the Socialist leaders' own slogan will continue to be believed: that at least "with Jospin, everything is clear".

In fact, M. Jospin's claim was always wide of the mark. The odds are against a Left-Right contest of a traditional kind. Not since the 1950s have political allegiances been so fragmented. The fracture which M. Chirac has promised to heal is not just political, but social, and it is not just France's unemployed who feel threatened by change. Given this strong current of nostalgia, M. Jospin found an unexpectedly large audience for his old-fashioned socialist remedies — massive state intervention, and a crusade against the evils of "neo-capitalism" in general, and its Anglo-Saxon manifestations in particular.

On the other side, however, is a contradictory tide of disgust with mainstream politicians and with the way France is run. M. Chirac has made it his business to appeal to this constituency. But he lost votes to populists of the Right, and he must now woo back a substantial proportion of the 40 per cent who voted on the "fringes" of the French political spectrum last Sunday.

Of the three main first-round candidates, all of whom promised change of some sort, M. Chirac sounded the most credible. M. Jospin could distance himself from champagne socialists, but not the Mitterrand years in which he was a prominent, if later disaffected, player. To act otherwise would have courted the potent charge of regicide against the stricken incumbent of the Elysée Palace.

The real nature of the coming battle is over the successful — which in this campaign, means harmonious and "socially responsible" — reinvention of the State. M. Jospin is not the man to make that happen; it is as though the Left in Britain were to be led not by Tony Blair, but by Barbara Castle — and even she is far ahead of French socialism in accepting the need to curb union power. When even Michel Rocard, once considered the great moderniser of the Socialist Party, castigates free markets and lauds the State as he did yesterday on the *Today* programme, it seems as though the French Left is still mired in the deep ideological runs of the Cold War.

M. Chirac ought to win, at least according to the psephological calculations which have proved so unreliable to date. He deserves to win because only he has set out to explain why change should be embraced, not feared. His is the candidacy of opportunity, not of refuge in systems of patronage and protection that have bred corruption and a spirit of social revolt. The austere M. Jospin will paint M. Chirac as a political opportunist, accusing him of promising too much for the future. But M. Jospin has yet to say what, of the past, he is truly prepared to shed.

WHIPPED AGAIN

The rebels are back — and both sides have cause for satisfaction

John Major paid an expensive price for having nine of his MPs outside the party. He lost his parliamentary majority, offended the Right and gave the whippers ones a status and platform that they could never otherwise have expected. Their long exile only helped to confirm voters' perceptions that the Conservatives are divided.

Giving them back the whip is at least a step in the direction of greater unity. But for the Prime Minister, the arguments must have been finely balanced. Many of his advisers were recommending that the nine should be left to stew: they had not shown the consistent support for the Government that was a condition of their return, and if they continued to rebel inside the party, Mr Major would be further embarrassed. The business of Government has, after all, continued without a majority — and even the rebels are not suicidal enough to vote against a confidence motion.

Yet their exclusion has been a running sore. Their views have been given rare prominence. The Right has been able to argue that, far from being a conciliator, Mr Major has perpetuated divisions, out of wounded pride and personal pique. These arguments have strengthened their case for a change of leadership.

Not that the personal pique and wounded pride exist only on one side. Among the core characteristics of the rebels are vanity and prickliness — qualities magnified by their months in exile and the media attention that has gone with it. Some of them think that they do not need the support of the party; that they could win their seats at the next

election even against an official Conservative candidate. Although most are almost certainly wrong, their exile has made them folk heroes to many party members. At Westminster, they have not been shunned by their fellow MPs.

If anyone has won this war of attrition, it is the rebels. They have proved, by the reaction to their exclusion, that they speak for a large body of opinion in the party. They have played a nimble populist tune: on VAT on fuel, fishing rights, the transport of animals, and identity cards. They have articulated points of view that would have been unacceptable coming from a normal Conservative MP. In the time that they have been in exile, the Cabinet line on Europe has become markedly more sceptical.

So Mr Major was always going to have to swallow his pride by offering the whip back. Yes, in doing so, he has helped to consolidate his own position. Demands for their reinstatement have come entirely from MPs on the Right. Now this wing of the party has less excuse to oppose the Prime Minister after the local elections. Activists will be happier too: disunity in the parliamentary party has been one of their main complaints.

The whole sorry business has, however, boosted the rebels' power over the leadership. Even inside the parliamentary party they will be unlikely to give consistent support to the Government over Europe: they have never done so in the past, so it is unrealistic to expect them to recant now. The Prime Minister will do anything to avoid having to expel them again. The gang of nine will keep their licence to rebel.

TO COUNT RWANDA'S DEAD

As Hutu refugees are massacred, the UN reveals its failure

The Kibeho camp in southern Rwanda is no longer a mere speck on the map: it is now a bloodstain. A massacre of Hutu refugees took place there on Saturday, as soldiers of the Rwandan Patriotic Army turned their guns, mortars and bayonets on the cowering, stampeding multitude. The Hutus, killed in numbers large enough to shame any died in any circumstance: in that Government in any circumstance: in that Rwanda, the harm done to the process of ethnic reconciliation could prove incalculable.

The Secretary-General of the UN, Boutros Boutros Ghali, "condemned energetically" the Government of Rwanda for the killings at Kibeho. Yet equally energetic should be the criticism of the UN itself. Unmindful of the fragility of Rwanda's political climate, the UN officials announced with unseemly haste shortly after the massacre that up to 8,000 people had died. They later scaled their estimate down to 5,000, although that was not to be the end. In an egregious statement which accompanied its third and final calculation, the UN stated that "after a more scientific count of the number of deaths, the figure has been revised to approximately 2,000". If a "scientific count" had been employed only in the last instance, the first announcements were both ill-considered and unconvincing.

Although accounts of the violent event in their detail, it appears that the Government soldiers were menaced by the mobs of machete-wielding Hutu extremists pre-

sent in the camp. While this is neither excuse nor justification for the subsequent killing, it does point at least to the source of the soldiers' panic and anger. Kibeho was the largest of several camps established unilaterally last year by France in the southern part of the country, since wresting power from the genocidal Hutu regime nine months ago, the Rwandan Government has succeeded in closing all but this one. Kibeho was the last redoubt of the *interahamwe* — the Hutu death squads — in Rwanda.

Britain's reaction to the weekend's massacre, unlike that of France and Belgium, has been a measured one. Baroness Chalker of Wallasey, Minister for Overseas Development, was correct to emphasise the wider context of events and the fact that Kibeho had been in the grip of Hutu extremists. Stressing rightly that there was no question of Britain reconsidering its policy on the humanitarian aid to Rwanda, she urged the Government in Kigali to restore order. This must include a full investigation into events at the camp and exemplary punishment for those soldiers found guilty of murder.

Humanitarian aid and material aid to Rwanda must not be reduced now. An important element in the slow pace at which the trials for genocide are proceeding, which the trials for genocide in Rwanda there can be no reconciliation in Rwanda until the Hutu extremists are tried and punished. The killings at Kibeho are a ferocious proof of this.

Need for rational view on ID cards

From Mr Christopher Jackson

Sir, Worries about an identity card (report, April 19) are understandable, but they reflect the danger of concentrating on the card rather than the objectives to be achieved. I hope that the Home Office consultation document will not only give alternative means but indicate the range of objectives.

In my experience there is widespread support for some form of proof of identity to dissuade illegal immigrants, make life harder for international crooks, prevent crime that is identity-dependent (eg, credit card), stop social security fraud and so on. Discussion of such a list, including negative effects on individual rights, is the key to rational consideration of ways to achieve the objectives.

One possibility I came across while chairman of the European Parliament's Inter-Group on Frontier Controls is well worth close study. It is the Danish "personal number", remarkable for its success in a country with a high regard for individual rights.

Each citizen has a number from birth. All foreigners legally resident have one too. Because of it the Danes claim a negligible illegal immigrant problem and reduced social security fraud. The number is required to open a bank account, go to a school, register with a doctor, claim state benefits, etc. There is a card but it does not have to be carried or produced on demand.

We should examine something like this for Britain. If we get it, a side benefit may be that our fortress mentality on frontiers will become redundant.

Yours faithfully,
CHRISTOPHER JACKSON
(Conservative MEP for Kent East, 1979-94,
8 Wellmeade Drive,
Sevenoaks, Kent,
April 19.

Tories and tax

From Mr Paul Richards

Sir, Peter Riddell expresses disquiet over Labour's party political broadcast on Tory tax rises ("Blair cotrises danger with propaganda beyond the pale", April 20). There are too the predictable cries of "foul" and a hullabaloo of outrage from Conservative MPs.

Surely, Labour is right to highlight what it sees as "lies" over taxation. This is the proper job of her Majesty's loyal Opposition.

During the 1992 general election, which many believed the Tories would lose, John Major said that his Government would reduce taxes. Instead, he has introduced, as Labour sees it, 20 new ones. New Labour is right to point this fact out to the electorate.

The Conservatives were not so squeamish about "personal attacks" when they produced their party political broadcast in 1992 showing a rotating face of Neil Kinnock accusing him of being "two-faced" and untrustworthy. The Tory press unleashed a stream of vitriol against Mr Kinnock far in excess of decent political debate.

We should have no qualms about tough campaigning from the Labour Party. The point of opposition in a parliamentary democracy is to oppose, and expose their opponents' wrongdoings.

I remain, Sir, etc.
PAUL RICHARDS,
109 Hammersmith Bridge Road, W6,
April 20.

From Mr Harold Ingham

Sir, I was dismayed to see yesterday on television the Labour Party broadcast in which Mr Major was frequently vilified as a "liar".

In fact I suggest that Mr Major commands general respect, even among many who disagree with his policies, as a man of honesty and integrity who believes that the application of his policies will produce the results he forecasts. He may be said to exercise poor judgment and to be swayed by false optimism, but few would consider him to be a deliberate liar.

I have the impression this attack by Labour may have the effect of winning for Mr Major more friends than enemies.

Yours faithfully,
HAROLD INGHAM,
4 Christ Church Avenue,
Tunbridge Wells, Kent,
April 20.

Grammar lessons

From Mrs P. J. Bousfield

Sir, I congratulate Valerie Elliston (letter, April 11) on encouraging good grammar. Perhaps we are being tested by a deliberate mistake in her second paragraph: "As one who gives frequent 'workshop' sessions..." can hardly be followed at the end of the same sentence by "...it is invariably those below the age of 35 or so who have never been taught grammar..."

Yours faithfully,
PAMELA BOUSFIELD,
Hammerganick,
St Breward, Bodmin, Cornwall.

Business letters, page 29

Letters should carry a daytime telephone number. They may be faxed to 0171-782 5046.

LETTERS TO THE EDITOR

1 Pennington Street, London E1 9XN Telephone 0171-782 5000

Fear and loathing of mental illness

From the Director of the Mental Health Foundation

Sir, The key to fearful public attitudes to mental illness (report, April 18) lies not in the facts of hospital closures and community care, nor in the actual incidence of violence, but rather in the way some elements of the media have chosen to entangle and manipulate both for the sake of a sensational story.

If the closure of hospital beds was the real cause, why did we not hear more about the problems during the 1960s, 1970s and early 1980s, when the vast majority of the 140,000 long-stay hospital beds were lost (80,000, as opposed to 20,000 in the last ten years)?

If actual risk of violence was the issue, why has the recently published government-commissioned research not helped to put this risk in proportion? The research showed quite clearly that out of 525 homicides in an 18-month period, only 22 were committed by someone with a known psychiatric disorder and only two of those — horrendous though they were — were killings of a stranger.

But perhaps we are all to blame. Is the media merely responding to some overwhelming human need to create demons and dark shadows to scare

ourselves with? And when we are not demonising those with very severe mental illness we like to parcel people up and label them — "a schizophrenic", "the mentally ill" — as though the whole of a life and an individual experience could be written off in a single, frequently wrongly applied, diagnostic label.

It is of course us, or at least the vast majority of us, that we are talking about. Ninety per cent of the respondents to the MORI opinion poll which you quote in your report said that they acknowledged that in the right, or wrong, circumstances they themselves could become mentally ill. The actual likelihood seems to be that in any one year one in four of us will suffer from some sort of mental health problem severe enough to make us seek outside help.

How good therefore it is to see the BBC, with its current mental health season, at last trying to address mental illness as a part of ordinary life and an issue for all of us.

Yours sincerely,
JUNE MCKERROW,
Director,
Mental Health Foundation,
37 Mortimer Street, W1,
April 18.

Shipyard closures

From Ms Jill Chesworth

Sir, Amongst all the celebrations and lengthy column inches in the papers on the launch of the *Oriana* (reports, April 6, 7), I was saddened to see that Swan Hunter's receivers have failed to find a buyer for the shipyard and will sell it off piecemeal in June (Business, April 7). The following day you reported that Harland and Wolff, announcing losses of £16.9 million for 1994, had called on the Government for action to enable them to compete with other countries.

Oriana was built on a waterway leading to a land-locked shipyard in Germany. This waterway needs regular dredging which is paid for by the German regional government — could this be called a subsidy? It has been suggested that British yards do not have the necessary craft skills and access to the latest technology but redundant workers from Swan Hunter have been snapped up by shipyards in the US, Germany and The Netherlands and reports from Germany indicate that their yards are no more up-to-date than the mothballed Swan Hunter yard. The difference is that the

German Government, amongst others, subsidises its shipbuilding industry which now has full order books.

In contrast, the British Government has done little, if anything, to help its yards. Consequently, this island nation is only 17th in the world's shipbuilding league, behind such famous seafaring countries as Brazil and Croatia.

If subsidy had been available when the *Oriana* was put out to tender, and if Swan Hunter had not been designated a "warship yard" by the powers that be, a move which has led to its ultimate demise, this British yard, with its vast acreage on the banks of the Tyne and workers sought after by other countries, could have been in a position to share in the celebrations when the *Oriana* was named and began its first cruise — instead of having to watch its assets sold off bit by bit and its community devastated.

Until government helps not hinders British industry, then the British people will not recover the "feel-good" factor.

Yours sincerely,
J. CHESWORTH,
54 Darnask Crescent, E16,
April 12.

Contingency fees

From Mr Ian M. Kay

Sir, None of your correspondents has shown how a true conditional or contingency fee system works to the disadvantage of the client (report, April 21; letters, April 18). "No win, no fee" means that it costs the client nothing if he loses and the fee, if he wins, may well be less than payment by hourly charge.

We live in a results-orientated society. Why are only lawyers exempted?

In answer to Lady Talbot, the losing party may have to pay the other side's costs. That is an expense of the litigation, as is for example a doctor's report, but the lawyer gains nothing.

Yours faithfully,
I. M. KAY,
11 Balmoral Court,
Wembley Park Drive,
Wembley, Middlesex,
April 21.

From Dr Robert Swannack

Sir, There is a simple remedy to deter lawyers tempted to take on a "speculative" case of dubious merit on a "no win, no fee" basis. Let them be obliged

to declare before the action the percentage of their interest in any damages award. Should the action fail, they will have to underwrite the same proportion of the defendant's costs.

Yours faithfully,
ROBERT SWANNACK,
Yorkley Health Centre,
Nr Lydney, Gloucestershire,
April 18.

From Mr J. H. Dover

Sir, Successful litigants are sometimes awarded a substantial punitive element as part of their overall damages award. Is this not further encouragement to solicitors to take on speculative cases under the new proposals? If the punitive element were to be payable to the Crown instead of to the litigant, that aspect would be removed.

Fines, which are the equivalent in criminal cases of punitive damages in civil cases, are payable to the Crown, not to victims. What is the difference in civil cases?

Yours faithfully,
JOHN DOVER,
9 Greenhill Avenue,
Giffnock, Glasgow,
April 21.

Mind over Mammon

From Professor Sir Bryan Thwaites

Sir, In the context of pay, Sir Terence Conran (letter, April 20) proposes a comparison between "teachers, university lecturers and professors" and "their equivalents in commerce or industry".

He would do us all a very great service if he would go on to define his criteria for equivalence.

Yours faithfully,
BRYAN THWAITES,
Miltonthorpe, Winchester, Hampshire,
April 20.

Single currency

From Mr Anthony Carter

Sir, Mr Kleinke (letter, April 13) need not look to the German Empire of 1875 for a precedent for coins with a "federal" side and a "local" side. He need only examine our £1 coins.

All five types show the Queen on one side. One "British" coin bears on the reverse the full arms of the United Kingdom and Northern Ireland; another, briefly minted, just the shield. The three territorial coins are identified by the Welsh leek, the Scottish thistle and English roses.

Incidentally, I wonder if the kings of Bavaria, Saxony and Württemberg would have liked being referred to as "territorial princes".

Yours faithfully,
ANTHONY CARTER,
Church Cottage, Morton Hall,
Morton-on-the-Hill,
Norwich, Norfolk.

Equal age for state pensions

From the General Secretary of the Trades Union Congress and others

Sir, More and more people are retiring early. Some because they wish to, others because they have no choice as it has become almost impossible for anyone approaching the pension age to find work. Fifty-five per cent of men between 60 and 64 are no longer in employment.

Yet the Government is set to equalise the state pension age at 65 for both men and women. The measure is contained in the Pensions Bill, which receives its second reading in the House of Commons on April 24.

This is flying in the face of labour market reality. Women between 60 and 65 will inevitably find it even harder to find paid work. Those who work to age 65 will qualify for only 72 per cent of current pension. The recent debate on pensions and divorce has highlighted once again the poverty faced by many women in retirement.

The result of equalisation at age 65 will be a new twilight zone for most people at the start of their sixties. They will have stopped working, but will not yet be eligible for a state pension.

The Government says that future employees will not be able to afford the pensions of the growing numbers of elderly. Yet the UK is much better placed than its competitors. We already pay the smallest proportion of GDP to those over 65 among OECD countries. The increase in the ratio between the working age population and the retired population by 2040 will be the smallest of any in the OECD. Small changes in the assumptions on which the Government calculates the costs of equalising at different ages produce very different figures.

In 1954 the Phillips committee considered the future of pensions. Despite predicting accurately the number of pensioners there would be by 1979, they warned that the then pensions burden would have dire consequences and called for the state retirement age to be increased.

They got it badly wrong. MPs should think very carefully about accepting similar warnings today that would leave many of their constituents, particularly women, retiring well before they can receive a pension.

Yours sincerely,
JOHN MONKS,
General Secretary,
Trades Union Congress,
KAMLESH BAHU,
(Equal Opportunities Commission),
VERONICA BAYNE
(State Pension at 60 Alliance),
SHEILA DILLOCK
(Fawcett Society),
JACK JONES
(National Pensioners' Convention),
JOHN MAYO
(Help the Aged),
MARGUERITE MITCHELL
(Townswomen's Guilds),
MAURICE OLDFIELD
(Campaign for Equal State Pension Age),
Congress House,
Great Russell Street, WC1,
April 19.

Thought for VE-Day

From Miss Sarah E. Hebron

Sir, A great deal of money is being made out of the nostalgic celebrations of VE-Day. I hope it has occurred to at least some of the commercial enterprises involved to donate a considerable share of their profits to organisations which care for the people who made the victory against Fascism possible, many of whom are now in great need.

Yours faithfully,
S. E. HEBRON,
22 Mount Vale Drive, York,
April 22.

Forecasting change

From Mr Michael Grosvenor Myer

Sir, The belief that "Cast not a clout till May be out" (letters, April 10, 12, 21) refers to the tree rather than to the month is an over-ingenious misapprehension.

According to *The Oxford Dictionary of English Proverbs*, its source is a Spanish saying of the early 18th century, translated as "Do not leave off your coat till May be past"; an alternative version, also Spanish, translates as "In April do not take off a thread".

Yours faithfully,
MICHAEL GROSVENOR MYER,
34 West End,
Haddenham, Cambridgeshire,
April 21.

Busy bunnies

From Lady Moate

Sir, On April 22 *The Times* (page 11) informs us with its usual authority that the rabbit population is currently around 37 million, a third of its pre-myxomatosis level.

By page 17 of the Weekend supplement, *The Times* informs us that the rabbit population is now back to its pre-myxomatosis level.

This apparent breeding ability is impressive — even for rabbits.

Yours sincerely,
AURIOL MOATE,
Calico House, Newnham,
Nr Sittingbourne, Kent,
April 24.

□ Editor's note: page 11 was right.

OBITUARIES

MAJOR-GENERAL J. R. HOLDEN

Major-General John Reid Holden, CB, CBE, DSO, Director of the Royal Armoured Corps, 1965-68, died on April 18 aged 82. He was born on January 3, 1913.

"JOCK" HOLDEN was the Director of the Royal Armoured Corps in the Ministry of Defence at the time of the Army's post-Suez re-equipment programme in the 1960s. Although no Whitehall warrior — indeed, he listed among his hobbies "teasing the MoD and senior officers" — he was a great communicator and successfully steered several important armoured warfare projects through the ministry's complex decision-making machinery.

His successes included the decision to go ahead with the first family of wheeled and tracked Combat Vehicle Reconnaissance (CVRs), the forerunners of the fighting vehicles — the tracked Warrior and Scimitar, and the lighter Saxon wheeled armoured personnel carriers — that we see so often on our television screens, operating in Bosnia. He influenced the introduction of Stalwart, the amphibious, high-mobility logistic load carrier, to ensure the rapid resupply of tanks in battle; and he recognised the importance of army helicopters with anti-tank weapons and stabilised sights.

He had his difficulties, too. While he had nothing to do with the development of the new Chieftain tank, its introduction into service during his time as director plagued him and his re-equipped regiments. Its multi-fuel Leyland L60 engine was, at the time of its introduction, outdated and notoriously unreliable. Developing as it did a mere 750bhp, it was also woefully under-powered for such a heavy tank. Its Royal Ordnance-manufactured L11 A2 gun was, too, reckoned inferior to the Rheinmetall gun, which was later



developed by Krauss-Maffei of Munich, and chosen to arm the Bundeswehr's Leopard 2 and the US Army's Abrams tanks.

John Reid Holden was educated at Hamilton Academy and Glasgow University, where he read the unlikely subjects of anthropology and embryology but, with war clouds gathering over Europe, he set his heart on joining the Army. Since his parents could not afford the prewar

Sandhurst fees, he joined the Highland Light Infantry as a private. To do so he had abandoned his degree, but, fortunately, was selected to go to Sandhurst under the "Y" cadet scheme of commissioning soldiers from the ranks.

He joined the Royal Tank Corps as a second lieutenant in 1937 and went to France in 1940 with the 7th Royal Tank Regiment, winning his spurs in the epic counter-attack near Arras,

which momentarily checked the German dash for the Channel ports. After Dunkirk, he went out to the Western Desert with the 7th RTR as adjutant and later as squadron commander. In June 1941 he took part in Wavell's limited and abortive "Battleaxe" offensive. By the third day of the battle, the 7th RTR had shrunk to a composite squadron of 14 Matildas under his command. By the time Rommel's Afrika Corps disengaged that evening, he had only five tanks left. He was awarded an immediate DSO.

After attending the Staff College, Haifa, he returned to the Desert in June 1942 as Brigade Major of the 32nd Army Tank Brigade just in time for the disastrous battle of Gazala, during which his brigade suffered heavy losses in the "cauldron" and he was taken prisoner. His Italian jailers became so fed up with his constant attempts to escape that they moved him to their top security camp at Genoa. When Italy capitulated in the autumn of 1943, the Germans started moving surrendered Italian soldiers to Germany. Dressed as Italians, he and two companions managed to join one of their trains from which they escaped near the Dutch-German border, only to be betrayed by a Russian forced labour worker whose help they had sought. Holden spent the rest of the war in German captivity.

His first postwar appointment of importance was as GSOI (Intelligence) at GHQ in Singapore in 1952, during the anti-terrorist campaign in Malaya, for which he was appointed OBE. Two years later he was commanding the 3rd Royal Tank Regiment in the British Army of the Rhine (1954-57), and after a year in the War Office was appointed to command the celebrated 7th Armoured Brigade in 1958. He was advanced to CBE at the end of his tenure in 1961.

He then suffered a grossly unfair setback at the hands of the Macmillan Government. He had been selected to command the 2nd Division in BAOR and was about to take over command when his posting was abruptly cancelled. The command was given instead to a Canadian general for political reasons. Holden was offered command of the Nigerian forces which, as a senior armoured commander, he not surprisingly but perhaps misguidedly declined.

As a stopgap, he attended the Royal Naval War College, Greenwich, and was posted to another brigadier's appointment as chief of the British mission to the Soviet forces in Germany. It was an exciting time to be accredited to the Soviet commanders. Not only was the Cuban missile crisis at its height, but the first anniversary of the erection of the Berlin Wall was stirring emotions. Regrettably, it took the War Office three years to find another major-general's command for him: the 43rd (Wessex) Division TA — hardly an equivalent of the 2nd Division in Germany, although it was while holding this post that he was appointed CBE in 1965.

He assumed his last appointment in the Army as Director of the Royal Armoured Corps that year, and retired in 1968, bearing no malice for the injustice that he had suffered. Initially, he sought to satisfy his lifelong interest in books by going into business with an antiquarian bookseller in Dorset. Disillusioned with commercial life, he returned to his roots in Scotland where he could enjoy watching and photographing birds. In spite of failing health, he remained mischievous, charming and cheerful to the delight of his many friends.

In 1939 he married Rosemarie Pennefather. She died in 1980. He is survived by their daughter.

BETTY ASKWITH



Betty Askwith, biographer and novelist, died on April 10 aged 85. She was born on June 26, 1909.

BETTY ASKWITH published poems, novels and finally biographies in a writing career which lasted some fifty years. *The Tangled Web* (1960), based on the Crawford divorce case of 1886, was her best-known work and in 1969 she returned to the subject with her biography of Lady Dilke.

Although she never attained real literary celebrity, her life was full of interest, warm friendship and solid achievement. Betty Ellen Askwith was the daughter of the first Lord Askwith, who had established a reputation as an arbitrator in trade disputes as Chief Industrial Commissioner in the years before the First World War. Her mother was a descendant of Sir Robert Peel. She was the only child of her parents' marriage though there were two older step-brothers.

Her parents entertained a great deal when she was young and her childhood memories were of passionate reading punctuated by jolly luncheon parties where she learned, precociously, to hold her own in the adult conversation. She was sent to the Lycée Français but not to university, something she used later to lament.

Her first book of poems was published when she was only 19, and she listed her hobby in *Who's Who* as "reading Victorian novels", so her regrets seemed to have been largely unfounded. They were, however, typical of her modest approach to her own abilities and of her slightly anguished attitude, even in old age, to her past. She felt, at various stages in her life, that she had burnt herself out too early, whereas in fact her life, professionally and personally, was one of those that move through several distinct and equally valuable phases.

As a young woman she was a great friend of Theodora Benson, with whom she wrote a Midfordshire novel, *Lobster Quadrille* (1930), and travelled, unaccompanied, through the Balkans — the basis for Benson's book *The Unambitious Journey*. This journey was taken at a time when most girls of their background got no further than Nice or Biarritz. Their friendship was fostered by that feminist independence characteristic of the 1930s, bred out of the rejection of Victorian values and the scarcity of young men after the First World War.

At one time Betty, Theodora and a childhood friend,

Muriel Watson, made a pact that they would never marry. But Betty's life went on to take a different turn: she worked in the Ministry of Information during the Second World War, suffered a broken engagement and other private griefs, and, finally, in 1950, married, and re-created in London and at Aldeburgh the kind of comfortable, hospitable home she had known in childhood. Her husband, Keith Miller Jones, was a solicitor with a great interest in music.

He had earlier been engaged to the novelist Rosamond Lehmann. "Wasn't it lucky for me," Betty would say, "that Rosamond changed her mind?" One might say that it was equally lucky for her husband since Rosamond, in spite of Betty's abilities, did not have Betty's ability to make those around her happy. The only regret in this marriage was that it turned out to be too late for Betty to have a child. However, she was much loved by nephews and nieces of varying degrees.

In the novels she published at intervals through the post-war years Betty Askwith explored in oblique and imaginative ways past periods of her own life. In *A Step Out of Time* (1966) she used the device of a ghostly time-slip to examine the real qualities and limitations of the 19th century — a period that was then just coming back into fashionable focus — and by the 1970s her lifelong absorption in this era had drawn her to more formal studies. *Two Victorian Families*, an account of the Strachays and the Bensons, was published in 1971, followed by *The Lyttons* (1975), a Victorian Young Lady (1978) and *Pietry and Wit*, a study of Lady Granville (1982). A Victorian Young Lady was based on her own family papers, as was her last published work, *A Crimean Courtship* (1986), about her grandmother Ellen Palmer who went to the Crimea to look after her brother in case he was wounded. (He was not.)

In a lecture Betty Askwith gave at the Royal Society of Literature in 1964 on Victorian women novelists, her final words might stand as an epitaph on her own life. "We who write today and whose work may be totally forgotten in a hundred years' time should not be discouraged," she said. "Some of us will live and the rest will have made a contribution. We have been part of the Zeitgeist, and unless there is a firm foundation of literary writing, a pool of ideas into which to dip, those few, those very few who are going to scale the heights would never have been able to start."

Her husband died in 1978.

SENATOR JOHN STENNIS

John Stennis, former chairman of the US Senate Armed Services Committee, died in Jackson, Mississippi, on April 23 aged 93. He was born on August 3, 1901.

JOHN STENNIS was a hard man to stop. Shot and seriously wounded in a 1973 robbery attempt in Washington, he was back at work within weeks. Eleven years later, at the age of 83, when a malignant tumour necessitated the amputation of his left leg, Stennis's response was to have his desk in the Senate chamber modified so that he could continue to make speeches on his feet.

He was a stubborn man and always had been. As generations of more liberal politicians from his own Democratic Party discovered, the senior Senator from Mississippi was a force to be

reckoned with if they wanted to enact reform in the field of civil rights or the improvement of social conditions for the poor. John Stennis would have none of it. Until 1982, when the new political climate even in the South finally got through to him during his last campaign for re-election, he voted solidly against each and every piece of civil rights legislation to come to the Senate floor.

Courteous and formal, the epitome of a Southern gentleman, Stennis was no wild-eyed reactionary. And, unlike many of his political persuasion, he possessed a sense of humour. "I used to think a man in his eighties was an old man," he said during a 1985 interview, "but I've changed my mind about that. I may make a career out of this thing yet. I'm thinking about it." At the time, Stennis had already served in the Senate for more

than 38 years — longer than anyone else except Carl Hayden of Arizona. Deciding not to stand for re-election in 1988, he fell short of Hayden's record by nine months.

John Cornelius Stennis was born on a small farm in Mississippi, the youngest of seven children. He trained as a lawyer, served one term in his state's House of Representatives, and had been a circuit judge in Mississippi for ten years before, in 1947, a Senate vacancy occurred with the death of Theodore Bilbo, a notorious white supremacist. Unlike his Democratic opponents for the seat, Stennis studiously avoided any mention of the race issue during his campaign, thus gaining the support of liberals and the few blacks who could vote in Mississippi at that time, and winning the seat by a narrow margin.

Once in the Senate, he

allowed his point of view on race relations to become clear. Though less outspoken than Bilbo, he was an equally strong supporter of segregation and states' rights. He had been there for less than a year when he was selected to lead a filibuster against a Bill to abolish the poll tax, and then helped to defeat a measure to ban segregation in public housing. He also opposed a Bill which would have doubled the number of European displaced persons to the United States to 200,000, and supported another which cut the building of public housing units, primarily intended for poor blacks, from 50,000 units a year to 5,000.

Stennis did, however, give his support to the Marshall Plan for the rebuilding of Europe after the Second World War, though hardly for altruistic reasons. He saw it as the best method of combating



communism, and of rebuilding world markets for the United States export trade. By 1951 even this enthusiasm had faded, and he voted with the majority to cut economic aid to Europe by \$250 million.

In his later years, Stennis was to say that he always supported the President, whichever party he came from. This was only partly true. Certainly, Presidents Kennedy and Johnson would have found the claim hard to believe. He was in steadfast opposition to the social measures embodied in their New Frontier and Great Society programmes, organising filibusters and voting against proposals to raise the minimum wage from \$1 to \$1.25 an hour, and to provide medical benefits for the elderly. And, despite the fact that Mississippi schools were among the poorest in the nation, he even opposed federal spending on education.

When, in 1967, a group of doctors testified that many Mississippians were suffering from malnutrition and approaching starvation, Stennis called the claim "a lie". Soon afterwards, however, he did introduce a Bill calling for \$10 million in emergency aid for his state. Earlier, he had been a thorn in President Eisenhower's side as one of the authors of the "Southern Manifesto" which advocated resistance to the Supreme Court's 1954 decision on school desegregation.

In foreign and military affairs, where his influence increased greatly after his

elevation to the chairmanship of the Senate Armed Services Committee in 1969, Stennis could be equally awkward. He was the architect of the War Powers Bill in 1971, limiting the ability of a President to commit American troops without a formal declaration of war, he attacked the role of the CIA in the overthrow and murder of President Allende of Chile and infuriated the military by limiting the number of generals and admirals in the US forces. These, however, were exceptions. In general, Stennis gave the Pentagon whatever it wanted and was a strong supporter of the CIA. Initially he had opposed American involvement in Vietnam, but stood firmly behind successive Presidents once it had taken place and favoured the use of massive air power.

Although John Stennis was constantly at odds with the liberal leadership of his party, he was widely respected among his Senate colleagues for his personal integrity. It was this that led him to be chosen to sit on the six-man committee set up in 1954 to consider the censure of Senator Joseph McCarthy for his red-baiting activities. Though Stennis himself was vehemently anti-communist, McCarthy's behaviour offended his sense of senatorial dignity, and he condemned it as "slush and slime." "Something big and time will have gone from this chamber," he told his colleagues, "if the Wisconsin Senator's conduct was condoned. The committee vote for censure was unanimous."

In October 1973, when Richard Nixon was struggling to keep the White House tapes out of the hands of Watergate investigators, he called on Stennis to screen them to make certain that national security secrets would not be divulged. Stennis agreed but only on condition that the Senate Watergate Committee chairmen, Sam Ervin and Howard Baker, supported the request. They refused, and he was spared involvement in the affair.

His wife of more than 50 years, Coy, died in 1983, and he is survived by a son and a daughter.

PERSONAL COLUMN

GIFTS A BIRTHDAY PRESENT... A BIRTHDAY PRESENT... A BIRTHDAY PRESENT...	WANTED OLD JEWELLERY WANTED... OLD JEWELLERY WANTED... OLD JEWELLERY WANTED...	TICKETS FOR SALE CONCERT TICKETS... CONCERT TICKETS... CONCERT TICKETS...	FLIGHTS DIRECTORY CONTESTANT... CONTESTANT... CONTESTANT...	ANNOUNCEMENTS Research saves lives... Research saves lives... Research saves lives...
MUSICAL INSTRUMENTS STEINWAY Grand... STEINWAY Grand... STEINWAY Grand...	TICKETS FOR SALE When responding to... When responding to... When responding to...	OVERSEAS TRAVEL CANADA, USA, Africa... CANADA, USA, Africa... CANADA, USA, Africa...	ANNOUNCEMENTS Imperial Cancer... Imperial Cancer... Imperial Cancer...	THE RAF RISES TO THE CHALLENGE From 1919 the Fund... From 1919 the Fund... From 1919 the Fund...
RENTALS PRIMA RENTO... PRIMA RENTO... PRIMA RENTO...	TICKETS PLAZA CENTRAL... PLAZA CENTRAL... PLAZA CENTRAL...	WINTER SPORTS WINTER SPORTS... WINTER SPORTS... WINTER SPORTS...	FLIGHTS DIRECTORY AIRPORT... AIRPORT... AIRPORT...	ASSOCIATION You helped us in ASSOCIATION... You helped us in ASSOCIATION... You helped us in ASSOCIATION...

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NEW SHAKESPEARE THEATRE

An April gun shone on the new page in the history of Shakespeare that was turned when the great new theatre dedicated to his memory was opened by the Prince of Wales yesterday afternoon. Most of those who had the leisure to examine Miss Scott's building before the ceremony appeared to be of the opinion that it was more impressive, even more friendly, than photographs had led them to expect.

During the morning there began to assemble in Stratford the diplomatic representatives of over 30 countries. Many other distinguished visitors took part in what would ordinarily have been the chief event of the day — the procession from the place of Shakespeare's birth to the church in the channel of which his bones were laid. Though this rite will soon be quite ancient, it keeps its pleasant air of spontaneity. Anyone who wishes may join the procession and most of those who do avoid formal tributes, bringing instead bunches of the flowers that might be gathered from gardens haphazard at this time of the year, daffodils, primroses, tulips.

The celebration proper may be said to have begun as early as 6 a.m. At that hour the bells of Holy Trinity Church were rung, and very

ON THIS DAY

April 25 1932

The new theatre in Stratford-upon-Avon replaced one destroyed by fire in 1926. In addition to a large crowd, more than 70 ambassadors, high commissioners, and representatives of dominions and foreign countries attended the ceremony.

early in the morning ladies in Elizabethan costume were already selling sprigs of rosemary in the streets. The commemorative luncheon took place in large tents erected in the garden of New Place. Sir Archibald Flower, who is once more the Mayor of Stratford, presided over a gathering given an international character by the presence of so many diplomatic representatives. The company included statesmen, men of letters and actors. The immortal memory was proposed by Sir Frank Benson, and "The Repre-

sentatives of All Nations" by Mr. Baldwin, who was himself representing the British Government. The speeches were relayed to the Bancroft Gardens. A great crowd had assembled there, overflowing on to the bridges and, it might almost be said, on to the river itself, for the Avon was crowded with launches, punts and boats.

It was not long after the speeches had ended that the monoplane bringing the Prince of Wales from Windsor was sighted over the river. The machine turned away with a swift swallow-like grace to the landing place across the fields, and in a little while the sound of cheering announced to the crowd that the prince had arrived. At the same time the flags of all the nations were broken from the peaks of their tall white masts with a charming effect. Returning to the dais, the Prince spoke of Shakespeare, his art, and the new theatre, and then, escorted by Miss Scott, he walked to the main door of the theatre, opened it with a golden key and passed inside. The Prince took his place in the Royal Box at the back of the dress circle, and the curtain depicting the Stratford of Shakespeare's day rose upon a dark curtain of beautifully blended colours. Through this curtain stepped Miss Lillian McCauley, a brilliant figure in green and velvet grey to declaim the Poet Laureate's ode.

THE TIMES LEASE-PLAN COMPANY CAR DRIVER OF THE YEAR

FOR EVERY bad company car driver, there are dozens of good ones who are patient, skilful and safe — and we are trying to find the best. More than 350 drivers will be tested for The Times Lease Plan Company Car Driver of the Year. The competition, recognised as the most comprehensive of its type, will be an exacting examination of driver skills, checked by a team of highly qualified instructors from Drive Tech, one of the country's leading training organisations.

The tests will take place on road and track, to assess the knowledge and skill of motorists who spend much of their daily lives at the wheel. However, that does not mean that the competition is limited to high-mileage drivers: any company car driver is eligible.

Colin Grant-Wilson, managing director of Lease Plan, said: "This competition is a test of skill but also shows that modern motoring does not have to be a tortured experience. It can be fun and an enjoyable learning experience."

To ensure fairness, every competitor will use the same car: a Nissan Primera 2.0SLX, which has won awards around Europe and is made at Washington, Tyne & Wear.

For the winner, there is an expenses-paid driving holiday for two around Europe, from Milan to Vienna and Paris — or wherever he or she wants to go — plus £500 spending money. Fleet managers can qualify for a prize of free driver training for one of their drivers.

To enter, round up a team and see details in *Car 95* in The Times next Saturday. The closing date is May 17.

New car sales to company fleets account for about 75 per cent of the market, Kevin Eason reports

Sales are on the up and up



Colin Grant-Wilson, MD of Lease Plan, sees an upturn in his sales and the economy

If there is a sign that the economy is reviving, it is in the serried ranks of gleaming metal that line the car-parks of Britain's companies. Nearly half of all new cars registered in the UK in the first quarter of the year were destined for the company car-park.

According to the Society of Motor Manufacturers and Traders, total industry sales to the end of March reached 525,364, a slight fall of almost 0.8 per cent and hardly encouraging for a Government searching for any shred of good news. However, while sales to private customers dipped 7.2 per cent in March, sales to company fleets were up 3.2 per cent.

The share of company sales in the monthly returns has been creeping up for years, from just more than 22 per cent a decade ago to 47.6 per cent so far in 1995. But that is not the whole story, for the motor industry only defines company car registrations as

sales to firms with a fleet of 25 cars or more, so thousands of doctors, lawyers and self-employed people might pay for their cars with a company cheque but are never counted in the official figures.

Motor industry executives calculate that the true share of new car sales accounted for by companies could be much nearer to 75 per cent, which makes the health of fleets vital to the success of the British motor industry. Companies which refused to renew their fleets during the recession are now buying again, sometimes because they have cars which are now badly in need of replacement.

Colin Grant-Wilson, managing director of Lease Plan, which manages 40,000 cars in Britain and 300,000 across Europe, says: "The growth in buying is consistent with the upturn in the economy which many companies are feeling. There are many companies, particularly in the high-tech sector, which are growing rapidly and have been investing a lot in recent months."

But there are also changes in the way companies get cars for their staff, with many preferring now to have someone else handle the purchase and maintenance. According to Mr Grant-Wilson: "We will see an acceleration in areas such as leasing because the recession also taught many companies to think hard about reorganising their fleets."

What has confounded many in the industry is the strength of fleet business. Successive Chancellors raised the threshold of taxation on the personal benefit of owning a company car to the point where the motor industry was panicked into believing that there would

be a collapse in sales. But it never came. Though taxes are higher, the benefits of not having to buy and maintain a car still far outweigh the cost of paying into the Inland Revenue. Even the offer of extra pay to staff who

use their own car at work has not proved to be an inducement that attracts many. A survey of 250 fleet managers for Ford showed that only 30 per cent of employers offered the cash alternative, while seven in ten said they had not

seen any increase in staff wanting to hand in the keys to their company vehicles.

Ian Wardle, manager of Ford Contract Motoring, says: "The penalties for access to a company car have never been higher but this does not seem

to have had any significant effect. Whatever reasons employees may have for wanting one, there is no doubt that the company car is a very, very popular benefit of employment."

If employees did take the money, they would probably buy second-hand rather than invest in a new car. Ambitious fleets renewing and expanding buy new, a factor which has kept the British motor industry busy. Another important benefit of rising fleet sales is that new cars feature the latest security, safety and environmental features. So long as companies order cars, models are coming onto the roads and then into second-hand showrooms more quickly. Without the driving force of fleet sales, new equipment might have taken years to appear in large quantities.

More than 34 per cent of Ford's fleet customers have taken new security measures in the past year, three in ten fleet managers stress the importance of anti-lock brakes, while another 45 per cent singled out airbags as an important contributor to safety. However, some companies are deterred from ordering cars with the latest safety and security equipment because the extra equipment means higher prices which then hit the "benefit-in-kind" taxation level for employees.

Ford is calling on the Government to give fleets a payback after years of taking increasing amounts of money from company motorists, by offering tax breaks on safety features to accelerate their introduction.

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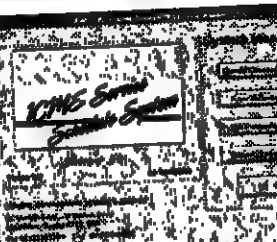
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Is contract hire the ideal solution?

Fleet managers are already worried about how the growing trend towards outsourcing, the external management of company fleets, will affect their job security. As they gather at this week's Fleet Show, their worries will scarcely be eased by research concluding that only 10 per cent of fleet managers are "good" at their job.

The 1995 Hertz Leasing report on changing trends in fleet management, entitled *Outsourcing - Fleet Future or Fleet Finale*, reports: "The transient nature of the fleet manager, together with the prevalence of 'on-the-job' training to the exclusion of professional training, is reflected in the number of good fleet managers that add value to the fleet function."

Roger Deas, the national finance director at Coopers & Lybrand, estimates that as few as 10 per cent of all personnel working as fleet managers add value. Now more and more companies are ridding themselves of in-house fleet management and handing over the job to outside experts.

The main problem for many in-house fleet managers is that their work involves everything from accountancy and personnel skills to tax expertise. Many companies are finding it simpler these days to use outside contractors. Hertz Leasing reports that contract hire now accounts for 39.34 per cent of cars in fleets, with 37.83 per cent of cars owned outright.

Stephen Barrett, general manager of Hertz Leasing, said: "Contract hire offers an ideal solution. We believe it will further penetrate the fleet market as more and more

Fleet managers need to take a more positive attitude towards outsourcing

companies decide to concentrate their limited resources on core competencies."

The investment group 3i has reported that according to 80 per cent of firms surveyed, the freeing of management time is

the main positive result of outsourcing, followed by reduced staff costs, increased flexibility, more certainty over future fleet costs and fewer staff management problems.

The main complaints about outsourcing concern quality. So one option is to maintain a quality-control link between the outsourced management organisation and the company, perhaps by drawing on the existing fleet manager's expertise.

Mr Barrett says: "While only 10 per cent do a good job, most do a satisfactory one. The message for fleet managers is

that they have got to make sure that they are in that 10 per cent, and that they should not shy away from adopting a policy of outsourcing."

They have the opportunity to rise above being mired down in the day-to-day running of the fleet, to become professional managers and to take a longer-term view. Outsourcing should be seen by them as a powerful tool, while they work as a quality-control check on the outsourced fleet."

VAUGHAN FREEMAN

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THE TIMES TUESDAY APRIL 25 1995

Eight out of ten accidents last year involved people at the wheel of a company vehicle. Tony Dawe examines efforts by fleet managers to reduce dents

The accident record of company car drivers is so bad that some fleet managers have started to believe that staff, unencumbered by insurance and repair costs, will do what they like to collect the most dents.

Even when presented with brand new cars, drivers are still capable of going too fast for their own and the cars' good.

The cost of repairs and insurance has become so great that fleet owners and managers are now taking determined steps to change the trend which meant that eight out of ten company car drivers had an accident last year.

Masterdrive, a Berkshire contract hire and leasing company, has launched a guide to "safer driving" and run a "driving for life" workshop. James Pritchard, an independent consultant, is using management training techniques to teach company car drivers to accept that other motorists do have a place on the road.

A Kent firm has introduced a company car refinement of the "spy in the cab" familiar to lorry drivers and intended to log the number of hours the car has been driven and the top speed reached. Some despairing fleet managers have even started imposing fines and other penalties on drivers involved in regular accidents.

"Safe driving" used to take the back seat in company priorities but attitudes are changing. Tony Elliott, Masterdrive's sales and marketing director, said, "In one of our recent surveys, nearly half those who responded felt that employees provided with a company car should go through some form of

How safe is a company car driver?

defensive driver training on joining the company."

The firm's guide and workshop go some way to achieving this. The safer driving factsheet, endorsed by the RAC, covers both the control and the condition of the vehicle and deals with aspects such as anticipation, vehicle positioning and common road problems.

The workshop, taken by Dr Pritchard, was designed to encourage company car owners to drive safely under pressure. "The company car driver works in a tough environment in which demands on his or her time and the pressure of the job can affect driving technique," he said.

"It is important, therefore, to see business and safety in perspective. Understanding how we react to the different stresses in our lives and learning to manage stress is as essential a driving skill as knowing how to negotiate a roundabout."

Dr Pritchard, a management consultant by profession, is now advising several leading companies on driver techniques and urging

them to adopt a "zero accident culture" which rejects the often-held view that a proportion of road accidents are "unavoidable".

"A high-quality organisation will support and encourage drivers to take responsibility for their own safety," he said. "Drivers plan their journeys better and are prepared to take a break if necessary."

His programme also involves applying team development skills to resolve conflicts on the road. "What tends to get in the way of people driving well are their beliefs and values. They get unnecessarily wound-up and need to be taught 'civility to other road-users'."

The DriveRight device, marketed by CCS International of Hythe, Kent, may not teach company car drivers that quality, but it will teach them to be civil to their fleet managers, who will be able to monitor some aspects of their performance on the road by analysing information from the device.

It keeps an accurate record of journey start and finish times, distance travelled and maximum

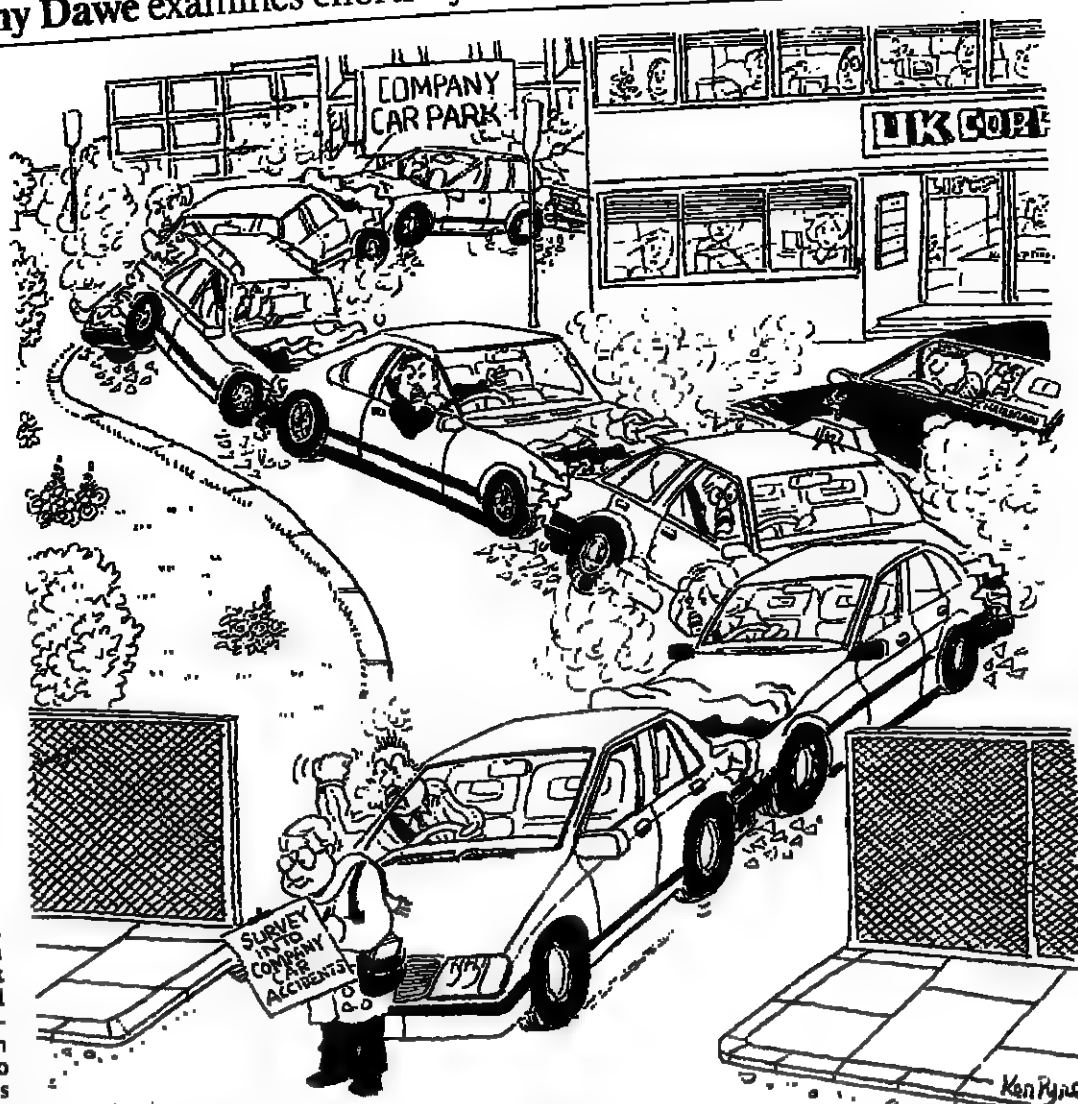
speed reached. It also indicates how badly the vehicle may have been driven, recording the maximum acceleration and deceleration rates of a user who is as heavy on the throttle as he is on the brakes.

Some managers might even use the information to fine guilty drivers: this is becoming a new trend among fleet operators, according to Derrick Perkins, director of maintenance control at Fleet Management Services. "We know of several fleets where fines have been introduced for drivers on to their second or third own-fault accident," he said.

"Many companies have turned to third-party insurance cover only, which has meant that accident costs have hit home more quickly and prompted faster action."

Fleet's annual safety survey found that eight out of ten company car drivers had an accident last year and that most crashes were caused by carelessness. Nearly one in five involved a company driver ploughing into the back of another vehicle, while one in six company cars were damaged by somebody driving into the back of them. Another one in six occurred while the driver was reversing.

Fleet, based in Shrewsbury, runs 14,000 company cars on behalf of clients and 80 per cent of those on insurance claims schemes had an accident of some description last year. Though similar to 1991 and 1992 figures, the number did represent a marked drop compared with 1993, encouraging Mr Perkins to comment, "Company car drivers are definitely becoming safer as more fleet managers crack down on own-fault damage."



Top notch: Audi have launched a new range of diesels

More than a workhorse

From a low base, diesel cars now account for a quarter of the market

Capable of more miles to the gallon, they are claimed to be more reliable and longer-lasting, and modern models carry all the luxuries of their petrol-engined rivals. Vaughan Freeman, a diesel car expert, says, "So why is it that diesel company cars have not made further advances into the fleet market?"

The diesel sales have bounced back from a miserable low a decade ago when only about 1 per cent of new cars sold were diesel-engined. The recent rise in sales has been dramatic in the fleet sector, according to research by Vauxhall, which reports that in 1994, diesel-engined company car sales totalled 46,000, and accounted for 7.4 per cent of all fleet car sales.

In 1993 the numbers rose to 52,000 and 12 per cent, in 1994 and 19 per cent, and last year 216,000 diesel cars were sold to fleets, accounting for 25.4 per cent of

its new turbo diesel 600 will have just the right impact on the market.

The 2.0-litre car uses Bosch two-stage fuel injection to give petrol-like driveability. It has 12,000-mile service intervals and a 115mph top speed with fuel consumption of about 48mpg in town. Prices for the SDI and SLI range from £16,295 to £17,995.

Britain's bestselling diesel, the Mondeo, comes in TD GLX form in this contested mid-sector, and at £14,480 the TD GLX is considerably cheaper than the Rover. The 1.8-litre turbo diesel engine is not quite as powerful as the Rover or other rivals such as the Xantia and Passat.

Major plus factors for the Mondeo are the award-winning shape, interior comfort, and excellent handling. Citroen's 1.9-litre Xantia TD SX comes in at £14,840, and like the Mondeo, proves diesel cars can look great, and offer

response and performance. An excellent and comfortable long-term motorway cruiser, with in excess of 500 miles between fill-ups. Though the driver seating position is not as variable as that of the Mondeo, the adjustable suspension, which allows different height levels for ease of loading, is a plus.

VW offer the Passat GL TD. Priced on a par with the Rover 600 at £17,000, the Passat has had a facelift to make it look more modern, and a new 1.9-litre turbo diesel engine gives phenomenal fuel consumption figures of around 50mpg touring, which means refuelling stops only every 700 miles or so thanks to the 15-gallon tank.

Vauxhall will revamp its Cavalier this year. The 1.7-litre Cavalier CDX TD, at £16,325, comes with CD player and air conditioning as standard, to kill the myth that diesel cars are unrefined workhorses which put mpg before creature comfort. The 1.7-litre engine gives a performance that lags behind the rivals, but the 46mpg Cavalier is strong on carrying capacity.

At the top end of the sector, Audi has launched a triple attack on drivers who fancy a prestige diesel car with a new line-up of A6 cars, starting with the entry-level £19,200 90bhp 1.9-litre TDI, the £21,000 115bhp 2.5-litre TDI, and the £24,000 147bhp 3.0-litre TDI.

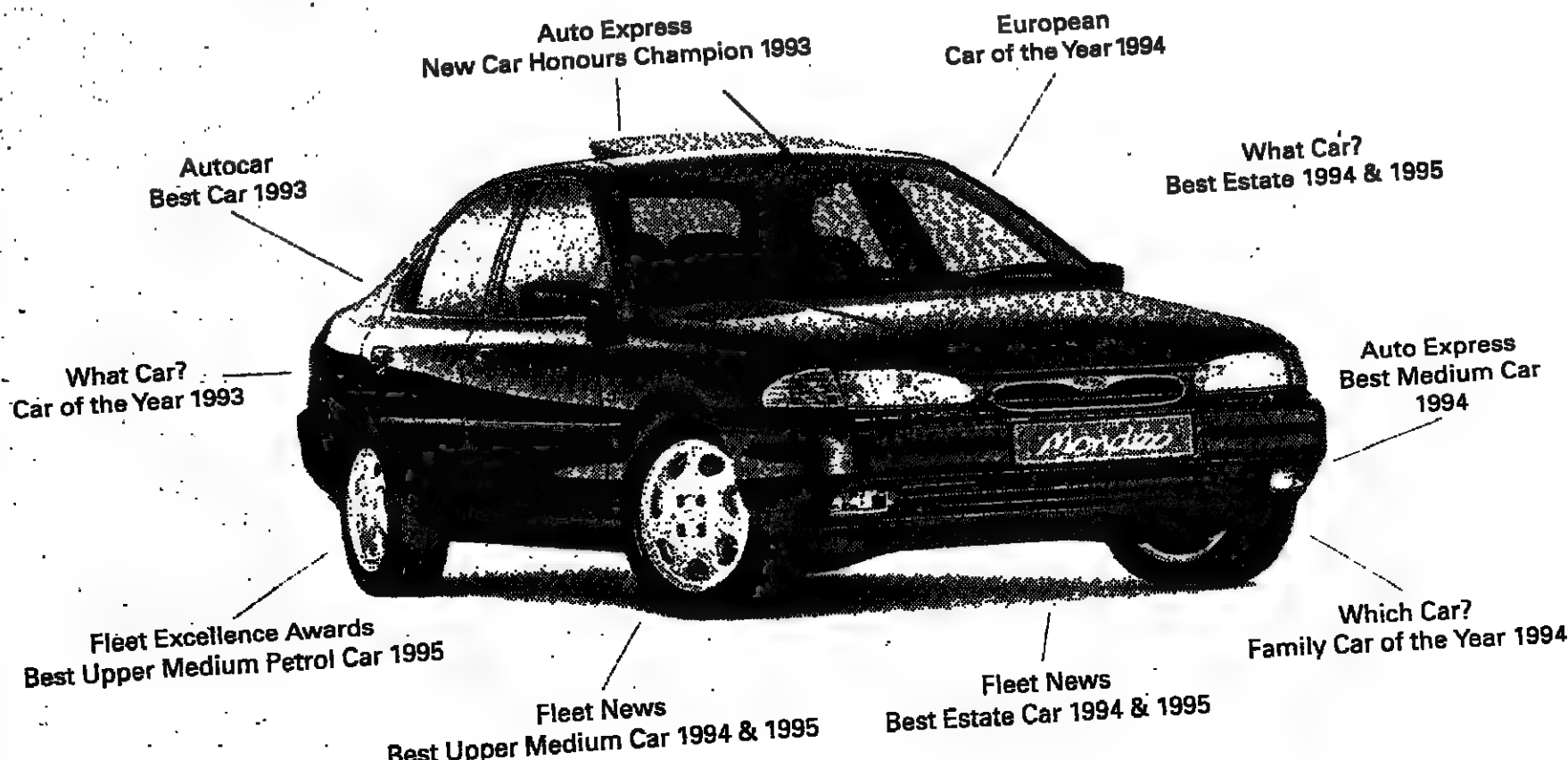
Firms are recognising the savings to be gained

A fleet of 100 diesel cars can save nearly £10,000 a year in fuel costs alone. Added to this are the long-term savings made from the higher residual values of diesels. Even so, says Ford, diesel cars have yet to seize "a major share of the fleet-car market". A survey commissioned by Ford Contract Motoring shows that even today 14 per cent of fleets have no diesel cars in them, and 32 per cent have only one diesel car out of ten. Less than a quarter of fleets run 25 per cent diesel and only 3 per cent of British companies run all-diesel fleets.

Among firms with no diesels on their fleets, 75 per cent said they had no plans to take any on, blaming the poor image of diesel among their drivers. Fleeted by 35 per cent of managers, administrative costs to the change (12 per cent) and the diesel purchase price premium over petrol-engined equivalents (12 per cent).

For those fleets that do plan to expand their diesel fleets (27 per cent) and for the 9 per cent of fleets now using diesels and of fleets now using diesels and planning to change their engine, the fleet over to diesel, what are the latest products to

THE MONDEO HAS SOME REASSURING EXTRAS. NONE OF WHICH WERE ADDED BY US.



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BUSINESS SOLUTIONS

THE TIMES TUESDAY APRIL 25 1995

All in a flurry over VAT concession

Rodney Hobson reports on the background to the Finance Bill going through Parliament which may lure fleets into contract hiring

Car fleet operators are already switching to contract hire, lured by the prospect of saving VAT on the price of new vehicles. Yet the tax concession, announced in the Budget last November, is not even law yet and will in any case not be available until August. The concession made by the Chancellor, Kenneth Clarke, in the Finance Bill was to allow the refunding of VAT on the purchase price of cars bought by leasing companies. VAT is refundable where cars are used wholly for business purposes and the British Vehicle Rental and Leasing Association has fought a long battle for changes in the regulations.

Previously, VAT could be reclaimed only on cars rented to businesses on a daily basis. Under the new rules, where the car is bought by a leasing company and rented to a client company, that is deemed to be a business deal. Where a company buys cars direct and allocates them to staff the vehicles are deemed to be used partly for pleasure and the VAT concession will not apply.

Fleet Management Services (FMS), based at Shrewsbury, reports a 62 per cent increase in deliveries of contract hire cars in the first quarter of this year and a surge in inquiries from fleet operators who presently buy vehicles outright but who want to know the potential costs and savings in switching to contract hire.

Pete McAree, national sales manager at FMS, said: "The new VAT rules mean that the rental cost of contract hire vehicles will be reduced but the savings could be offset by two factors. First, car manufacturers are likely to try to raise prices substantially in August. Every year that we have been in business — and that is 40 years — manufacturers have raised prices in August. Second, there is likely to



Pete McAree, national sales manager of Fleet Management Services: Fleet managers are ordering new cars

be an increase in interest rates by then. Some companies with car hire contracts expiring in the first part of this year have extended those contracts to August, continuing to pay the same rental in the hope that they can benefit from a reduction in charges. They may well not get that benefit. Many of our clients are saying they are not going to bother waiting. Now they are ordering new cars." Andrew

Yuille, the marketing director for Hertz Leasing, confirms the upturn in interest in contract hire which he says began towards the end of last year. Some companies that moved from leasing to buying their own fleets direct from the manufacturers are coming back.

He believes that fleet management sector is divided on whether it is worth hanging on to existing cars until August.

"We borrow on term loans and they are already reflecting the expected base-rate increase. Rates are 8½ to 9 per cent on the three-year market, so an increase in base rate should not have much effect," he adds. If you can wait until August, it is probably worth doing so, particularly with bigger cars. However, most businesses have to get on with running the fleet and if a car packs up it has to be

replaced. The nearer we get to August the more worthwhile it will be to hold on."

Some clients will, in any case, have difficulty in hanging on to existing fleets until August. Many car users postponed replacing cars during the recession and much-used cars were changed after three rather than two years. Other parts of the fleet had their life-cycles extended from three to four years. Cars now due for renewal are therefore already a year older.

Mr McAree says: "Companies will not go back to changing their cars more frequently. They have discovered that cars last longer than they used to do. A standard car that once lasted 65,000 miles will now do 100,000 miles over four years."

Some fleet managers have suggested that a glut of new cars bought in August will undermine residual values in three years time when many of these vehicles will be traded in for new models. Car hirers take residual values into account in calculating charges.

Mr McAree dismisses this fear, saying that a greater problem is likely to be obtaining sufficient numbers of cars this August. "A few years ago, most car-makers had fields full of vehicles, but now they build vehicles much more to order," he says. Demand already peaks in August when the registration letter changes. If people wait for the VAT change, it will magnify the lull of orders. The manufacturers go on holiday for three weeks in July so fleet managers could even find themselves waiting until early October for deliveries.

The Bill is still going through Parliament and the proposed regulations could still be changed but leasing companies are planning on the basis that present proposals will become law.

When you need a car quickly

PROVIDING back-up services to the fleet management companies — stepping in with replacement cars as they are needed — has been a fast-growing business, Rodney Hobson writes.

From a standing start in 1989, Avis has developed its replacement business into a £20 million annual earner, making it one of the top two operators in the niche market.

It latest coup has been to win an £8.25 million contract to supply replacement and pre-contract vehicles to Dial Contracts, a fleet-management and contract-hire specialist. The three-year contract is one of the biggest replacement contracts to be signed.

Avis estimates that it could provide up to 24,000 rentals a year for Dial. Avis already supplies replacement and rental vehicles to PHH, Lex Vehicle Leasing and Avis Fleet Services, once part of the Avis group but now a separate entity.

Replacement vehicles provide additional fleet capacity at short notice at a lower cost than if the fleet operator had cars standing idle just in case they were needed.

The replacements meet a range of contingencies, such as accidents, breakdowns and thefts. Cars can be supplied to new or temporary staff and to employees waiting for delivery of contract hire or leased vehicles.



The Toyota Corolla is one of the cheapest cars to run.

A way through the maze

Fleet dealers have much more to consider than merely the best buy

Picking the best fleet buy means entering a financial maze that, terrifyingly mixes all the most nerve-racking elements of economic forecasting, used car buying and the wonderful world of the futures markets.

What makes a fleet vehicle cheaper to buy or rent, to run, service and maintain, and which car at the end of its three-year, 60,000-mile working life offers the best hope of getting a good resale value is a head-splitting question.

A best buy is not found by choosing the car with the lowest price and lowest fuel consumption. To find a best buy, all elements of a vehicle's costs during the lifetime of the car while it is on the user's fleet, must be considered.

One of the most respected reference works on total operating costs is Leasecontract's *Company Car Cost Calculator*, now in its ninth year. The Calculator takes into account a car's price

new, running costs and annual rental. The guide shows that fleet managers could find their businesses paying £342 a year more to run a Peugeot 106 XN than if they had opted instead to run the rival VW Polo 1.3i.

A Ford Escort 1.4 LX will cost £402 a year more to operate than a Vauxhall Astra LS 1.4i, while a Rover 416 will cost £636 more a year to run than a Toyota Corolla E.

Leasecontract estimates that a Vauxhall Omega Elite will cost £1,723 a year more to run than a Mercedes-Benz E220, and a Range Rover HSE 4.6 £3,000 a year more than a Lexus S400.

It is relatively easy to work out how much a car might cost annually for servicing and repairs, and to calculate how much it will cost on fuel.

It is harder to gauge what the economic climate will be in three years' time, and what the used car market in particular will be like, and as a result of that calculation to try to decide how much a specific model might be worth. If the calculation goes seriously awry, those buying, renting or leasing out company cars stand to lose money in a big way.

Which is why the British Vehicle Rental and Leasing Association (BVRLA) produces a quarterly residual value analysis for the industry. The analysis takes into

account forecasts on used car values by 30 leading operators in the leasing and rental industry, as well as forecasts by firms such as CAP Motor Research.

What the leasing customer pays to rent the vehicle depends on the difference between the cost of the vehicle new and its forecast residual value. If the car is forecast to have a high residual value, the rental charges will be lower — but the leasing firm might come badly unstuck if when the car is returned, it is sold, it fails to fetch that higher value. A car with a low residual value will almost certainly fetch that low value when resold.

Golfin McLean, Highway Vehicle Leasing's managing director and the BVRLA leasing committee chairman, says: "Residuals are the single most important element in my business. If you get your residual forecasts wrong either way, it is going to cost you dearly."

The average contract is written on a car for three years and 60,000 miles, so in judging a residual you are actually trying to work out what will be happening in three years' time.

"But a relatively high-cost vehicle with a high residual might actually cost less to run than a car with a low front-end cost which, as a used vehicle, will fetch a lower price. You simply cannot go only on the cost of running the vehicle out a day-to-day business."

In terms of priorities, far behind a car's residual value, Mr McLean ranks the cost of financing the car, then factors such as servicing, maintenance, fuel and insurance costs.

"Long service intervals will mean lower running costs," he says. "But modern cars are becoming more and more reliable and you don't get the sort of rogue vehicles that you did even five or 10 years ago."

Insurance is less of a factor because most fleets are insured per unit en masse, and a sprinkling of go-faster GTIs on a fleet is unlikely to do too much to push up "life costs" of a vehicle. Premiums are likely to change only gradually to reflect the overall claims history of an organisation's fleet.

VAUGHAN FREEMAN

"Lease Plan's Open Calculation pays dividends, back to the customer."

Matthew Thorne
Group Finance Director
McCarthy & Stone plc
Volvo 960 Estate

When it comes to being open in business, there are few things as open as Lease Plan's approach to vehicle leasing. In fact this is why it is known as Open Calculation.

So when Britain's leading retirement home builder, McCarthy & Stone, chose to lease its company car fleet, it selected Lease Plan to help do the job.

In the words of group finance director, Matthew Thorne, "Just as our customers look to us for safe and secure housing, we need to feel equally secure about our suppliers, secure in the knowledge that we are getting a fair deal for a fair price."

"With Open Calculation we have that confidence. Every element of the lease is open to our scrutiny, on-going reports allow us to track progress and at the end, if actual costs are less than the rentals we have paid, Lease Plan returns these savings to us."

In 1994, Lease Plan returned over £1.5 million to its customers.

Last year, we at Lease Plan made savings of £25,200 in helping to run McCarthy & Stone's company car fleet. We returned £25,200 to them. It was just a part of the £1.5 million returned to our Open Calculation customers during the year.

Now that is what we call 'being open' with our customers!

To find out more about Open Calculation, and how it has helped to establish Lease Plan as Europe's leading vehicle leasing and fleet management company, call us on 0800 393126 or write to Lease Plan, Thames Side, Windsor, Berkshire SL4 1TY.

Lease Plan
Europe's leading vehicle management company

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THE TIMES

BUSINESS EDITOR Lindsay Cook

TUESDAY APRIL 25 1995

Unions tell Greenbury how pay gap became a gulf

By Philip Bassett
INDUSTRIAL EDITOR

The Trades Union Congress, which today urged the Confederation of British Industry's committee, headed by Sir Richard Greenbury, chairman of Marks & Spencer, to recommend statutory controls to curb the growing gap between executive and employee pay, John Major has promised to consider any new legislation that the Greenbury inquiry proposes.

The TUC evidence draws on new research compiled at Warwick University and the London School of Economics, which looks at executive-pay differentials in a sample of more than 1,200 companies. This shows that in 1994, companies' highest-paid directors were, on average, paid 7.8 times the average employee salary in their companies — but by last year this ratio had widened to 12.6 times the average salary, marking a 61 per cent increase in the differential.

The TUC says that even this figure considerably understates the differential, since the figure for the highest-paid directors does not include the value of share options, equity holdings or pensions.

The research shows that for the 50 highest-paid directors in the sample, the differential is now even higher — on average 62 times the highest-paid directors' average salaries. In some companies, the highest-paid director is paid more than 100 times the employee average in the same firm. Over the period, average pay for the highest-paid directors rose from £98,261 to £211,629, an increase of 115 per cent. At the same time, average employee salaries in the same sample of companies have risen 34 per cent, from £12,601 to £16,831. Annual rises for the highest-paid directors averaged 10.5 per cent, while those of employees averaged 3.1 per cent.

In 27 recommendations to the inquiry, the TUC says that directors' share options should be limited to £50,000 and treated as taxable income. Remuneration committees should be elected at annual meetings and should not include executive directors.

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Abbey makes hostile beeline for the N&P

By Patricia Tehan and Robert Miller

ABBEY NATIONAL has launched the first hostile bid for a building society. It confirmed yesterday that it wants to buy National & Provincial, Britain's eighth-largest society.

N&P rejected a bid approach by Abbey in 1993, but yesterday Abbey said: "We have indicated to National & Provincial that we wish to resume discussions. We believe a combination of National & Provincial and Abbey National would make sound strategic sense."

Peter Birch, Abbey chief executive, said: "We have indicated to National & Provincial that we wish to resume discussions. We believe a combination of National & Provincial and Abbey National would make sound strategic sense."

A mortgage giant worth £7.4 billion, employing 70,500 people, Abbey said it would place in terms of mortgage lending behind a merged Halifax and Leeds.

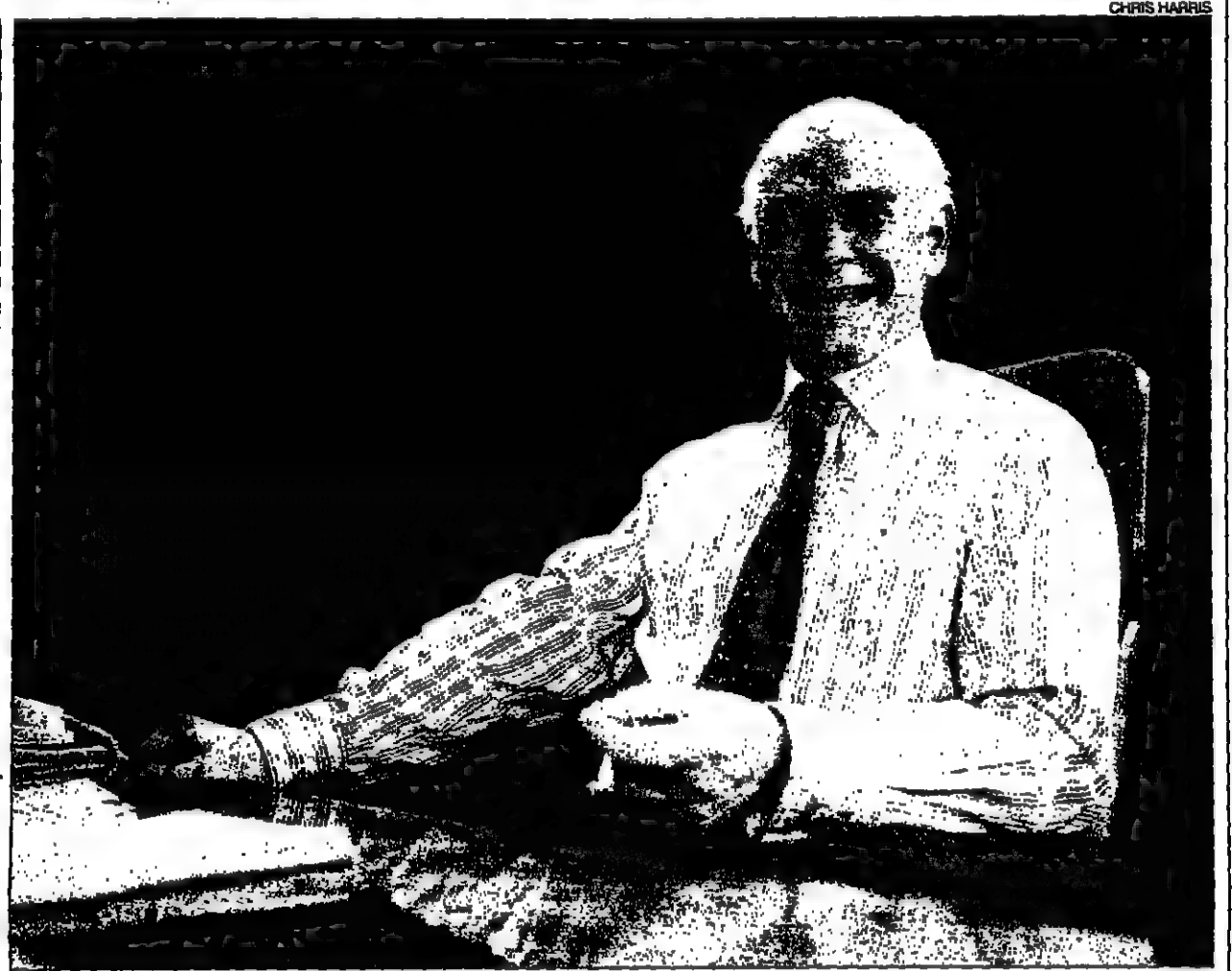
Abbey is Britain's fourth-biggest bank, having converted from building society status in 1993. It has 675 branches and employs 18,000 staff, against 4,500 staff in N&P. It is the second-biggest mortgage lender and has a stock market capitalisation of £6.3 billion. Its shares yesterday rose 10p to 480p, after week-end rumours.

Abbey is seeking more financial information from N&P to enable it to value the society. If Abbey does make a takeover offer, it is thought likely to offer shares rather than cash. This would enable it to compensate all qualifying members, including borrowers and those of less than two years' standing. These are the groups that lost out in Lloyds Bank's £1.9 billion cash bid for Chesham & Gloucester Building Society.

Mr Lyons, whose society has 3 million customers and 530 branches and agencies, as well as a life and unit trust arm, declined to elaborate on the offer. He said: "Until I have discussed this with the N&P board, it would not be appropriate to make a statement."

In February, N&P brought in public relations consultants to promote the launch of its Mutual Interest programme, designed to give added benefits conferred by mutual status to some 1.7 million qualifying N&P members. These included: free mortgage valuations, higher interest rates for savers and discounts on unit trust investments.

John Wrigglesworth, the former UBS building societies analyst now an executive with Bradford & Bingley Building Society, condemned Abbey's move. He said: "This is not only a hostile action by Abbey National, it is also incredibly naive. No building society will want to have anything to do with Abbey National after this. Abbey National will simply do a hatchet job on N&P by closing down branches, but adding to its own shareholder value. The Abbey has shot itself in the foot."



Royal approval: Howard Davies was "honoured" yesterday to be made deputy governor of the Bank of England

Davies confirmed for Bank job

By Philip Bassett and Patricia Tehan

HOWARD DAVIES, Director-General of the Confederation of British Industry, received a warm welcome from the City, the Bank of England and the Government yesterday, after the Prime Minister's office confirmed that he is to become deputy governor of the Bank of England in September.

Mr Davies' appointment was approved by the Queen. He succeeds Rupert Pennington, who resigned last month. Mr Davies, who is 44, said he was honoured to be offered the job, though he accepted he had much to learn about it. He said: "There are aspects of what the bank does of which I have little knowledge at the present time. As far as City regulation is concerned my knowledge of that, I would frankly say, is limited. I have got a lot to learn."

But he hoped that his "immersion in the real economy at the CBI will be useful experience to take to the job". He takes over for five years from September 11. Mr Davies has headed the CBI since July 1992. Before that he worked in Whitehall, with McKinsey & Co, the management consultant, and as controller of the Audit Commission, which scrutinises local authority spending.

Eddie George, the Bank of England Governor, welcomed Mr Davies' appointment, saying: "I am delighted that Howard Davies has agreed to join the Bank. He will bring with him valuable experience of industry and government, and I look forward very much to working with him."

Sir Nicholas Goodison, president of the British Bankers' Association, described Mr Davies as "a good man". He said: "He has the combination of management expertise, experience of government and of the economy." And he described the appointment as imaginative.

Michael Heseltine said it was an excellent appointment. Mr Davies had done a "great job" at the CBI, and had made an important contribution to improving Britain's competitiveness. The President of the Board of Trade added: "It is very encouraging to see someone appointed to this job who has the interests of the wealth-creating sector at heart."

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Price rises, page 29

Lloyd's reviews action to limit rumour damage

By Sarah Bagnall, Insurance Correspondent

POSSIBLE damage to Lloyd's of London by speculation about whether the insurance market will pass its annual solvency tests will be "discussed" at today's Lloyd's council meeting.

The latest round of speculation has prompted Lloyd's to discuss whether any action is needed. David Rowland, chairman at Lloyd's of London, yesterday vigorously rejected claims that the 300-year-old insurance market was on the verge of collapse.

He told a Treasury Select Committee that each time the spectre of collapse is raised the market loses business to other insurance companies.

There is a marked divide in opinion among names. Several names argue that Lloyd's cannot bear the weight of the losses of the past few years, which have been exacerbated by the growing number of names refusing to pay their debts and the increasing incidence of reinsurance company collapses. This has prompted concerns that Lloyd's may levy names to help bail it out. Others claim that these names are scaremongering.

The speculation failed to cause a stir in the City, however, with shares of the quoted Lloyd's investment trusts, on average, losing between 1p and 2p.

Mr Rowland, who recently admitted that speculation over Lloyd's survival is damaging. He told a Treasury Select Committee that each time the spectre of collapse is raised the market loses business to other insurance companies.

Bowater changes name to Rexham

By Sarah Bagnall

BOWATER, one of the best known names in industry, is set to disappear. After nine months of deliberations the packaging, printing and coatings group, is changing its name to Rexham. The name, which has its origins in Wrexham, a Welsh town, won from a list of more than 600 suggestions put in the pot by Bowater employees and Interbrand, the marketing consultant. Rexham was a late entrant, spotted from the doings of David Lyon, Bowater's chief executive.

Mr Lyon, who saw his pay leap 21 per cent to £632,000 last year, said the change was a "strategic move". He said the name was "strong, simple and easy to remember". He said the name was "strong, simple and easy to remember". He said the name was "strong, simple and easy to remember".

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McKechnie out for US growth

By CARL MORTISHED

McKECHNIE, the plastics and metal components group, wants to expand further in North America after a strong performance in the US helped to drive group pre-tax profits from £13 million to £20 million in the half year to January 31.

A turnaround at US Packaging helped McKechnie's plastics division to increase profits from £1.1 million to £6 million and the company is seeking ways to expand its operations as a supplier to the US electronics and automotive sectors. Stuart Moberley, finance director, said that McKechnie was not deterred by signs that the US is heading for a phase of slower growth. "We would like to expand the North American plastics businesses. We have the ability to acquire small to medium-sized companies," he said.

Strong cash flow in the half year let McKechnie repay borrowings and reduce gearing from 19 per cent to 14 per cent, at January 31, and Mr Moberley expects year-end gearing of 5 to 10 per cent. McKechnie's exposure to

the DIY sector, which accounts for about 30 per cent of sales, held back the advance in the consumer businesses, in which profits rose 12 per cent, mainly due to a strong Australian housing market. In the UK, where McKechnie competes with Williams Holdings in curtain rail products, the flat housing market hurt sales, with major customers reducing stock. Mr Moberley said that the housing market needed inflation to get it moving again, but that McKechnie was protected from weak demand by its margins, which were 10 per cent of sales.

Acquisitions fuelled 50 per cent of the profits growth in the half year, with a strong performance by Linread, the fasteners business acquired last June, helping to boost profits from special products from £4.9 million to £8.3 million.

The interim dividend is up 10 per cent to 5.5p, after a 43 per cent rise in earnings per share, to 14.7p.

McKechnie's exposure to



Stuart Moberley, left, and Michael Ost, chief executive, saw McKechnie's profits rise from £13 million to £20 million

Glaxo takeover boosts money-supply figures

By PATRICIA TEHAN AND ROBERT MILLER

GLAXO'S £9 billion takeover of Wellcome last month pushed the UK's M4 money supply for March up 1.4 per cent, giving a year-on-year rise of 5.5 per cent, according to official figures published yesterday.

Bank and building society lending increased by an adjusted £8.5 billion, the largest gain since March 1990, when it also rose by £8.5 billion, and much more than expected.

The Bank of England estimated that the Glaxo deal added £3.5 billion to M4 lending. Glaxo had set up an £8 billion credit facility for the

deal, which closed at the end of March, though it is not known whether all of the facility was used.

The rise was higher than analysts' expectations of 0.5 per cent, which would have given 4.5 per cent for the year.

The British Bankers' Association said that Britain's biggest takeover had artificially inflated lending by major banking groups. Tim Sweeney, BBA director-general, said: "As the banking syndicate included several banks outside the major British banking groups, figures for all banks will be further distorted."

However, he added: "Even

with this takeover finance, lending by the major British banks was lower in March, largely because of repayments by the finance sector."

The £1.2 billion rise in lending to the UK private sector by major British banking groups in March was well down on their race with building societies for a larger share of mortgage lending, according to figures issued yesterday by the Building Societies Association.

Societies' gross mortgage lending in March rose to £3.2 billion, from £2.3 billion in February, while net advances almost doubled to £1.1 billion and net new commitments increased by nearly £1 billion, to £3.7 billion. The BSA said that the March figure "could simply be reflecting increased building society market share."

The short-term nature of the sharp rise in monthly lending by building societies is underlined by the fact that net lending by BSA members in the first quarter of 1995 was just 1 per cent up on the same period last year and is 5 per cent below the final quarter of 1994. However, societies at least continue to record an inflow of savers' funds, with £520 million in March, up from £519 million a month earlier.

Adrian Coles, BSA director-general, said that despite the rise in monthly society lending, the market trend "showed nothing but flatness".

evidence that capital spending is at last picking up."

Yesterday's figures pointed to a flat housing market. Bank lending for house purchases fell from £602 million to £560 million, while building society net lending increased.

Banks appear to be losing in their race with building societies for a larger share of mortgage lending, according to figures issued yesterday by the Building Societies Association.

Societies' gross mortgage lending in March rose to £3.2 billion, from £2.3 billion in February, while net advances almost doubled to £1.1 billion and net new commitments increased by nearly £1 billion, to £3.7 billion. The BSA said that the March figure "could simply be reflecting increased building society market share."

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British Fuels on the market

By MARTIN BARROW

THE privatisation of British Coal's last major trading activity got under way yesterday with the offer for sale of British Fuels Group, one of the country's biggest distributors of solid fuels and petroleum products.

The Harrogate group employs about 2,000 people at more than 150 depots, shops and offices. Prospective purchasers are invited to bid for one or more of the three subsidiaries within the group.

BFL Coal purchases and distributes solid fuel to the retail and wholesale markets, employing 1,300 staff. It also distributes pre-packed coal, charcoal and other products, and is involved in shipping and stevedoring. In the year to March 25, estimated turnover was £257 million.

BFL Oil primarily purchases and distributes petroleum products. It is also involved in the purchase and supply of natural gas to 1,000 customers at 2,400 locations. The business, which employs 320 people, had estimated sales of 1,033 million litres of oil and 40 million therms of gas last year.

Caswoods distributes solid fuel products and oil in Northern Ireland, where it is also involved in the maintenance of domestic appliances. Turnover was £75 million last year. Samuel Montague is acting as financial adviser in the sale.

Boeing to cut jobs after earnings dive

BOEING's first-quarter earnings spiralled downwards to \$181 million, compared with \$292 million last year, the company said yesterday. The aircraft manufacturer said the 38 per cent fall was the result of a lean business environment in the airline business, causing fewer deliveries of jets. The company also announced plans for further job cuts, and said it expected to take a charge of up to \$400 million to cover the costs of early retirement.

Battling Europe's Airbus for customers, Boeing's profits were just 53 cents a share, on sales of \$5 billion, compared with 86 cents a share on sales of \$6.3 billion for the January to March period of 1994. It delivered 59 commercial aircraft in the quarter, compared with 82 a year ago. Research and development, at \$404 million, was reduced by only 4 per cent. Boeing said sales for all of 1995 are expected to total \$20 billion-\$21 billion, compared with about \$22 billion in 1994. The group projects about 230 aircraft deliveries this year.

Manning joins ESN

DAVID MANNING, 46, has resigned as head of UK equity investment at Legal & General Investments, to join ESN Pension Management, which controls £12.5 billion in pension funds for the privatised electricity companies. He will become securities investment director, succeeding Bob Gibson, who became chief executive of ESN last year. L&G is seeking a successor. ESN, an umbrella fund for 21 industry-related pension plans, is currently looking for a partner with the funds and resources to help it develop its international business.

EIS advances to £18m

EIS GROUP, the engineering holding company, increased taxable profits to £18.4 million last year from £16.2 million, in spite of little sign of recovery in demand for capital goods. The company said the aircraft manufacturing sector was particularly depressed. Even where there was an upturn in activity, margins remained under pressure in a competitive environment, creating mixed conditions. Turnover rose to £347 million from £333.8 million. Earnings rose to 27p a share (24.5p). The total dividend is increased to 12.7p a share (12.3p), with a 9.3p final, due on July 10.

Charlie Browns sold

KINGFISHER, the retail conglomerate, has sold Charlie Browns Autocentres, its car parts business, to the recently formed Montifex for £19 million. Charlie Browns, which was put up for sale by Kingfisher last November, generated annual sales of about £50 million. Montifex was formed last July following a management buy-in of Chessington Tyres. CINVEN, the venture capital company which backed the buy-in, yesterday said it would inject a further £8.5 million to help fund the purchase. Motorworld will manage the accessory retailing part of the business with a view to buying it.

London Tec taken over

RECEIVERS for South Thames Training and Enterprise Council, the business-led training body that collapsed last year, yesterday announced that the Department of Employment has now completed contracts with neighbouring Central London and South London Trainers' Associations. The two bodies, which were effectively taken over by their work, Scott Barnes, a partner at Grant Thornton and the administrative receiver for the South Thames Tec, said there had been "the minimum possible disruption to the provision of services to local businesses and trainees".

Budgens sales rise

BUDGENS, the supermarket chain, yesterday reported a 6 per cent increase in sales during the eight-week period to Easter. Like-for-like sales rose by 1.3 per cent, an improvement on the small decline seen in the first half. Four stores have been opened in the past six months and are meeting or exceeding expectations. Seven Penny Market stores, the discount format abandoned earlier this year, are being converted to the Budgens fascia. Four of the five remaining Penny Market outlets have now been handed over to Lidl, the German discount operator.

Wensum grows again

THE Wensum Company, retail and corporate clothing designers and suppliers, reported profits of £1.1m before tax for the year ending January 28, up from £944,000. The large increase continues the growth following a slump during the retail recession of the early 1990s, which culminated in losses of £44,000 in the year to January 31, 1993. Wensum profits rose tenfold over the next year. Earnings per share increased to 9.14p from 2.87p. A final dividend of 2.85p makes a total 4.35p, up from 2p. The shares closed at 134p, up 1p.

Losses deepen at How

HOW GROUP, the building services company, is maintaining the total dividend at 0.75p a share in spite of pre-tax losses deepening to £2.85 million last year, from £2.13 million in 1993. Losses per share rose to 6.42p a share from 3.61p. The final dividend is unchanged, at 0.375p a share, payable on July 3. At the operating level, losses increased to £1.6 million from £480,000. Turnover fell to £125.3 million from £133.4 million. The company said that open-tendering for construction work was still beset with non-existent or wider-than-margins.

VTR Group ahead 24%

VTR GROUP reported pre-tax profits of £866,221 in the six months to February 28, an increase of 24.3 per cent on the same period last year. The company owns and operates several subsidiaries within the television industry, including Video Tape Recording Ltd and The Machine Room Ltd. Earnings per share were 5.6p (same), while the interim dividend rises to 1.6p a share (1.45p). The shares rose 6p to 95p. Gearing of 37 per cent rose from 24 per cent previously, reflecting exceptional capital expenditure of £3.8 million.

Bankers challenge US reform

REFORMS to US banking laws will deal a blow to the ambitions of foreign banks, which are trying to expand their securities operations in North America (Patricia Tehan writes).

British banks have called on the Bank of England to intervene on their behalf with US authorities. And Sir Nicholas Goodison, president of the British Bankers' Association, said he has written to Alan Greenspan, head of the Federal Reserve, outlining the fears of British banks.

The proposed reforms are to the Glass Steagall Act, which established a legal separation between banking and securities businesses in the US. Under the reforms, a new structure known as an investment bank holding company would be created, greatly reducing the restrictions between a bank and a securities affiliate; however, a condition for setting up such a holding company would be that the bank concerned did not take deposits protected by deposit insurance arrangements.

Roger Brown, a BBA director, said that this would deny the investment bank holding company structure to a bank with retail operations in its home country, such as British clearing banks.

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Nynex float to go ahead

By ERIC REGULY

NYNEX CableComms, one of the two largest cable operators, is pressing ahead with its £400 million-£600 million flotation despite last week's disastrous initial public offering of General Cable shares.

But analysts and Nynex's financial advisers say the company probably will not get the share price it once expected. General's flotation knocked the wind out of the cable sector. The company, controlled by Générale des Eaux de France, expected to

launch its shares at 220p-255p. The price met with considerable resistance in Britain and America and had to be cut to 190p to ensure the shares' placement. They traded at about 187p yesterday.

Rumours circulated late last week that Nynex would postpone its flotation, perhaps until the autumn, until investor confidence returned to the sector. The decision to keep the offering alive was made at a meeting on Friday with Nynex Corporation, the regional

phone company that owns all the cable company's shares.

Nynex is confident its flotation will succeed partly because its disconnection, or "churn" rate, is relatively low. Its churn rate in 1994 was 31 per cent, against 39 per cent for General and 47 per cent for TeleWest, another cable company whose share price has fallen. Nynex will be valued at about £1.4 billion after the flotation, which will reduce the parent's stake to 65-70 per cent.

Rise in crude price lifts US oil groups

FROM SEAN MAC CARTHAIGH IN NEW YORK

AMERICAN oil companies yesterday reported increased first-quarter profits, with Teco announcing earnings up almost a third, mainly because of a rise in crude oil prices.

Teco's first-quarter profits rose to \$301 million, from \$202 million in the 1994 period, with earnings per share up to \$1.10, from 69 cents. Revenue increased to \$9.05 billion, from \$7.43 billion.

Teco said that operating earnings had benefited from increased crude oil and natural gas production in Britain, mainly in the Strathpey field. Higher crude oil production in Australia, and the Kuwait-Saudi Arabia neutral zone also boosted profits. The company said it had benefited

from crude prices that averaged \$14.85 a barrel, \$3.83 up on a year ago. International exploration and production earnings were \$82 million, up from \$45 million, and exploration and production in the US had earnings of \$143 million, against \$75 million.

Exxon first-quarter earnings rose by 43 per cent, to \$1.66 billion, or \$1.33 a share, from \$1.16 billion, or 92 cents, a year ago. Revenues rose to \$29.78 billion, from \$25.96 billion.

Mobil cited higher crude oil prices and strong sales of petroleum products for a 19 per cent rise in first-quarter earnings. Its profit was \$636 million, against \$535 million in the 1994 period. Earnings per share were \$1.57, up from \$1.31.

Hanson spells out options

By GEORGE SYVELL

ABOUT 200 senior employees and directors of US Industries Inc. the soon-to-be-demerged arm of Hanson, the conglomerate run by Lord Hanson, will be awarded 1.96 million US\$1 shares free, according to details sent out to shareholders yesterday.

The 200 will also be entitled to buy \$45 million of options at whatever the market price is on flotation in New York. David Clarke, the chairman and chief executive of US Industries, will be entitled to buy \$9 million of options and receive 509,207 free shares.

Mr Clarke will receive a base annual salary of not less than \$750,000, compared with



Lord Hanson: demerger

\$1.13 million at present, but he will also be in line for an annual cash bonus that could double his pay for the year. The demerger will become

LEGAL & PUBLIC NOTICES

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PUBLIC NOTICES

Notice of the Annual General Meeting of shareholders of German City Estates N.V. to be held on Thursday, 17 May 1995 at 10.00 am at Hotel de l'Europe, Nieuwe Doelenstraat 2-8, Amsterdam.

Holders of bearer shares, as well as shareholders having the right to vote, who wish to attend the meeting, are required to deposit their shares at the office of the Company or at the office of the Company, Johannes Vermeulen 5, Amsterdam, not later than 4 May 1995.

Shareholders who wish to be represented by proxy of attorney are required to deposit a written power of attorney at the office of the Company or at the office of the Company, Johannes Vermeulen 5, Amsterdam, not later than 4 May 1995. Proxy forms can be obtained from the Company.

Amsterdam, 25 April 1995.
The Board of Directors

GCE

German City Estates N.V.

LEGAL NOTICES

NOTICE IS HEREBY GIVEN pursuant to Section 98 of the Insolvency Act 1986, that a meeting of the creditors of the above named company will be held at the offices of Messrs. J. & C. P. 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963,

□ Howard Davies should rethink his new job □ Directors' rising pay differentials □ Protectionism in American banking

Reinventing the Bank

SOBER City guru Roger Bootle, chief economist at Midland Global Markets, hailed the choice of deputy governor for the Bank of England as "a brilliant appointment, because Howard Davies is a brilliant man". If the man is generally approved, however, there is still a big question mark over the scope of the job for which he was chosen.

Mr Davies is, through and through, a policy man, respected for matching open-minded intelligence with a strong sense of the practical. He is a superior replacement for Rupert Pennington in the role of counterweight to Eddie George, the politically congenial sparky intellectual supposedly complementing and softening the stern, highly professional central banker.

Pennington argued, on Mr Pennington's dramatic edit, that this combination was not the "dream team" originally supposed. Rather, having two people at the top who moved in the realms of monetary policy and international macro-economics left the Bank unbalanced. The Bank has gained influence, under Kenneth Clarke, in this traditionally more glamorous, upper-class end of its operations. But all that could be ceded to Frankfurt within a decade.

Meanwhile, the bread and butter side of central bank operations — banking supervision and

City matters — have been neglected. The failure to prevent default at Barings, though rationalised after the event, showed a further loss of authority and touch in such matters. The days when the Bank ruled the City with a nod and a wink, and felt responsible for its good name, have gone. Yet the Bank has not thought through a coherent new strategy for an age when lots of the most important City firms are foreign-owned and when many rules are made in Brussels. Senior bankers were not up to speed with derivatives. Their disapproval of banking/insurance conglomerates has been trampled in the competitive rush.

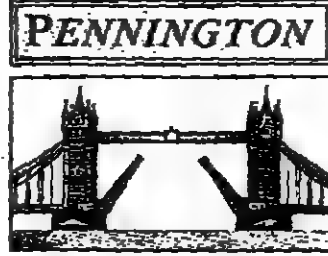
These issues, rather than high policy, should be the main interest of the Governor or his deputy if the Bank's long-term priorities are to be right. If not, then the case for wresting bank regulation away from the Bank, as in Germany, is strengthened. And there should be less opposition from the Bank to something like a British equivalent of America's Securities and Exchange Commission taking over

some of its status in the City.

That argument does not disappear because the Bank has named an able man. Mr Davies frankly admitted yesterday that his knowledge of City regulation is "limited". The prospective deputy governor is doubtless capable of learning and reinventing himself as regulator and administrator. That is probably not the intention. As spokesman for industry, however, Mr Davies would surely have thought that neglect of this permanent and growing function in favour of a fleeting years in the policy limelight was City short-termism reaching to its heart.

False logic widens the pay gap

□ WHETHER the issue of top executives' pay is about greed or about envy depends on where you are looking from. Either way, the nub of it is that pay differentials between the exalted of business and ordinary mortals are widening. A study commissioned by the TUC on the basis of Datastream company data sug-



gests that the average pay and bonuses of top directors more than doubled between 1984 and 1994, while the pay of their average UK employee grew by only a third.

This looks powerful ammunition for the TUC's John Monks to use to bash business. The comparisons are from similar parts of the trade cycle and the earnings of highest paid directors exclude share options and pension contributions, which have burgeoned over that period. The ratio between the earnings of the highest and lowest paid in the average quoted company has probably risen even more.

Top executives can make a big individual difference to profit performance, so shareholders

want to splash out for the best. Wages for ordinary employees are a cost of trading, so must be minimised. There is nothing wrong with a star system for top managers, as market forces naturally produce in the entertainment industry and in one sport after another. Remuneration committees were supposed to prevent excess. Instead, being largely made up of executives of other companies, they have generalised star pay and conditions as the rate for the job, regardless of performance.

The TUC's proposal that trade union officials should be involved in setting directors' pay is silly. But it is up to the Greenbury committee to come up with something better. Perhaps remuneration committees should be staffed with financial institutions or by retired small shopkeepers as proxy private investors.

The TUC document does suggest that the issue would not be so divisive if employees' pay was not under the cash. Low average pay rises shown reflect the degradation of many previously

full-time jobs into part-time, low-paid or contract work. Trade unions would be less harsh if they set the boss's pay.

Resist this subtle trade barrier

□ IN international trade, the European Union and Japan are usually tagged as protectionists, while America represents open trade. In reality, America is as keen to gain advantage from hidden protection, or from bullying bilateral trade deals, as any other country. For instance, US pressure on Japan to use official measures to increase imports of American goods is likely to cost many thousands of jobs in Britain, often by diverting Japanese investment in overseas manufacturing to America.

Congressional proposals to reform the Glass-Steagall Act, which separates banking from securities businesses, incorporate a subtler but equally deadly form of protectionist discrimination. Lawmakers have a reasonable desire to avoid diversified banking, securities

and insurance groups relying on federal deposit insurance to underwrite their general credit standing and to allow them to take more risks at potential public expense. But the way the proposed law is framed, it would discriminate against overseas groups, especially Europe's universal banks.

This discrimination is almost certainly intentional. It may not be so easy to correct as the British Bankers Association supposes. Partly because of the US laws, bank structures are different in America. The search for a truly level playing field may therefore be fruitless. If European banks suffer no discrimination, they might have an advantage instead. That should not stop the Government and the Bank of England lobbying to stop a dangerous precedent.

Woolly thinking

□ KEVIN Barron, Labour employment spokesman and Yorkshire MP, is furious that new Yorkshire Water charges for taking wool industry effluent will cost jobs. This is "yet another example of the privatised utilities getting it wrong". The principle that politicians should pay is easy to agree. The practical impact is harder, let alone that firms profit from cleaning Britain up as well as making it dirty.

ABF squeezed by store wars and price rises

By SUSAN GILCHRIST

THE supermarket price wars took their toll on Associated British Foods, the Sunbelt Bread, Silver Spoon sugar group, which reported a 4 per cent fall in profits in the first half.

Garry Weston, chairman, said that the group had been squeezed in the middle of rising raw material costs and the reluctance of supermarkets to accept price rises. "We have had to absorb a lot of pressure," he said. "Some of our costs have gone up by 15 per cent yet we have not passed on any price increases. It is tough out there."

The group made pre-tax profits of £173 million in the 24 weeks to March 4, down from £181 million in the corresponding period last year. The

fall came in spite of a 9 per cent increase in sales to £2.24 billion, from £2.06 billion. Earnings per share slipped to 23.7p, from 28.5p.

The results were broadly in line with City expectations. Nevertheless, the share price, which has had a strong run in recent months, fell 16p to 638p on profit-taking.

The bottom line was also hit by a sharp reduction in the contribution from its investment in Bristold, the former commodities group that now owns Magnet, the furniture chain and Welbit Corporation, the US commercial equipment manufacturer. Profits tumbled to £7 million, from £29 million.

ABF's British manufacturing operations, which account

for almost two thirds of profits, had a mixed year. A solid performance from British Sugar and a small increase in profits from Allied Bakeries was partly offset by difficulties at Allied Mills.

Higher raw material costs also hit profits at George Weston Foods, the group's subsidiary in Australia and New Zealand. Mr Weston said, however, that conditions had improved since the end of the period.

Profits from ABF's retail operations were flat. A good performance from its Irish supermarket business failed to compensate for disappointing results from its retail textile operations.

Mr Weston said that the group was still on the lookout for acquisitions and had the capacity to fund a purchase of more than £1 billion should the right opportunity come along.

The group has targeted the Asia-Pacific region and the US as priorities. "We are looking at a range of things including sugar, baking, milling and food ingredients. Anything where we can spread our technical knowhow," said Mr Weston.

Current trading is more encouraging, Mr Weston said the group had managed to secure some small price increases to alleviate some of the pressure.

The board announced an interim dividend held at 8.5p, to be paid to shareholders on September 1.

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Howard Poulson, left, with Andrew Fisher, finance director, surveying the worldwide opportunities for Farnell Electronics

Farnell starts out on buying trail

By MARTIN WALLER

EXPANSION at Farnell Electronics, the distribution business that has earmarked £95 million of cash in the bank for acquisitions, has started with the £6.4 million purchase of a French business. The company expects far heavier spending in the coming months.

"We now find ourselves with an exceptionally strong balance sheet and a strong board," said Richard Hanwell, the chairman. "These resources of management and cash are going to be invested in new growth opportunities in our core businesses around the world."

Farnell was reporting another strong year of profit and dividend growth. At the taxable level, profits went ahead by £10.1 million to £59.2 million, including a £2.9 million loss from a disposal in the year to January 29.

A final dividend of 5.2p makes a 9p total, 22 per cent ahead from 7.4p last time. Earnings per share, adjusted for exceptional items, were 27 per cent higher at 30.9p.

The French purchase, Specie, is an electrical component distributor with annual sales of £145 million. The price will come out of Farnell's cash pile gained from the sale of the manufacturing side earlier this year.

Howard Poulson, the chief executive, said the new year had seen a strong start, with UK demand resilient and European markets buoyant.

Mr Hanwell added: "We're not under any dramatic pressure to invest. I'm confident that we can deliver yet again record figures without investing any of these proceeds."

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ShareLink 'will break even'

By PATRICIA TEHAN

SHARELINK Investment Services, the telephone-based stockbroker that has recommended a 23p-a-share takeover offer from US discount broker Charles Schwab, has said it will break even for the year to March 31.

The forecast was contained in the offer document posted to shareholders yesterday by the boards of ShareLink and Charles Schwab. It also detailed their reasons for recommending the offer.

The company is expected to break even after receiving net interest income of £1 million from its operating activities. The breakeven compares with pre-tax profits of £6.2 million in the previous year, but

ShareLink had made losses of £468,000 in the six months to September 30.

This estimate also includes a pre-tax contribution, before the allocation of central overheads, of £500,000 related to the offerings, on behalf of the Treasury, of shares of PowerGen and National Power, which took place last month. Opposition has been growing to the offer terms from the US broker, valuing the firm at £29.7 million. The price on offer is 15p below ShareLink's flotation price.

In a letter to shareholders, Richard Fielding, ShareLink's chairman, said the market for direct personal financial services was changing rapidly

and the firm had experienced a greater level of competition from independent brokers and large financial institutions. He said: "Providers of these services are faced not only with a need to invest in the infrastructure of their businesses but also to react promptly to a changing competitive and industry framework."

He said private investors' confidence had been undermined and client dealing volumes depressed by "the absence of any recognisable upward trend in the stock market". The board had to review its options "having concluded that the level of profits capable of being generated from the existing activi-

ties in the medium term could well be insufficient to sustain the pace of... development as well as paying a satisfactory level of dividend."

He said the firm investigated joint venture or partnership arrangements. While this review was under way, Charles Schwab stepped in. The price represented a premium of 62 per cent over the middle market price of 145p at the close on March 3, a month before the announcement of the offer. He said Charles Schwab had received acceptances in respect of 14.64 per cent of shares from the directors and their families.

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Profit warning hits Cray stock

By MARTIN BARRON

CRAY ELECTRONICS, whose directors received a £27 million share bonus for rebuilding the company, saw its stock plunge yesterday after the board gave warning of a severe shortfall in profits in the current year.

The shares collapsed to 79p from 155p after Roger Holland, chairman, revealed profits would be "much below market expectations". Profits before tax in the first half were £10 million, in the second, they would barely reach breakeven before restructuring charges put at £5 million. Cray, which earned profits of £26.2 million in the previous financial year, blamed problems at Cray Communications, the biggest division, discovered during the course of a review of trading after

the departure of the division's chief executive.

Mr Holland said these problems were caused by management's failure to control the phasing of increased costs and investment in line with profitability. There had also been delays in manufacturing, and the division had failed to deliver certain products on time.

Mr Holland said the company's problems had started "when a very ambitious plan for growth was put into effect". While Cray's costs rose, the expected profits were not delivered and this escalating crisis "was not made known to the board until well into the year". Jon Richards, group chief executive, has assumed responsibility for the division.

In July 1993, Mr Holland and Mr Richards, together with Sir Peter Michael, a former chairman, and Jeff Harrison, finance director, received a £27 million all-share bonus as part of a complex three-phase incentive scheme put in place when they came on board in 1989.

Sir Peter is believed to have sold his entire holding in August 1993 at 140p-a-share, raising about £12.6 million, before expenses. Other directors have retained their shares.

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Holland: "control failure"

Woolmakers resist rise in water bills

By ERIC REGULY

MORE than 30 wool companies have decided to withhold payment of a new charge imposed on industrial companies by Yorkshire Water unless the utility group can justify the fee (see Pennington, this page).

The threat comes after several years of increasingly acrimonious relations between Yorkshire Water and the wool industry, which employs about 25,000 in its region. The Confederation of British Wool Textiles says that charges on the industry for water supply and effluent treatment have risen faster than the rate of inflation for at least the past four years.

On top of that, Yorkshire has imposed a "reception" fee on all industrial companies in its region. Yorkshire says that the fee, whose first payment is due in October, will help to pay for maintaining pipes that carry the effluent, laden with toxins from chemicals used in sheep dip, moth-proofing and dyeing, from wool mills to the treatment plant. The fee is being phased in over five years.

One wool company, Brook Dyeing, says that the reception fee will add £240,000 a

year to its effluent treatment bill of £180,000. Bob Clarke, the director-general of the wool confederation, said: "We are not arguing that the polluter should not pay, but we do wonder about the imposition of a charge just to flow the effluent down the pipes. If Yorkshire can justify the fee, we will pay."

The 30 or so companies that threaten to withhold payment represent more than 80 per cent of the industry. Mr Clarke said the levy could put marginal mills out of business.

Kevin Barron, chairman of

the Yorkshire group of Labour MPs, said: "On top of the scandalous treatment of customers and employees, the privatised utilities are now damaging British industry."

Yorkshire accuses the wool industry of making little effort to reduce water consumption and chemical pollution. "Rather than resolve the problem, they issue misleading press releases," a spokesman said.

Yorkshire argues that 12 per cent of the effluent it purifies is from industry, but industry pays only about 1 per cent of treatment costs.



Woolmakers claim Yorkshire Water is fleecing them

Associated British Foods

INTERIM RESULTS 1995

* Worldwide sales up 9 per cent to £2,248 million. Operating profit up 4 per cent to £153 million.

Cash reserves up £42 million after investing almost £200 million in new assets and £80 million in new subsidiaries for our existing businesses."

Garry Weston, Chairman

	24 weeks to 4 March 1995 £ millions	24 weeks to 5 March 1994 £ millions
Operating profit	153	147
Profit before taxation	173	181
Ordinary Shareholders' Funds	2,156	1,994
Earning per share	25.7p	28.5p

The full unaudited interim statement for the 24 weeks to the 4 March 1995 was posted to shareholders on the 24 April 1995.

Associated British Foods plc, Weston Centre, 68 Knightsbridge, London SW1X 7LR, England.

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THE TIMES CITY DIARY

There in 1926 and there now

THE Worshipful Company of Plasterers, which was granted its first Royal Charter by Henry VII in 1501, is holding a very special dinner for one of its own on Thursday night. The most worthy guest of honour is Henry Mott, the livery company's clerk, whose family connections with the Plasterers go back nearly 150 years, and among whom he can tick off any number of Masters. Henry is no ordinary clerk — a livery equivalent of a managing director. He is a chartered accountant and a solicitor, was appointed MBE in January, and during the 1926 General Strike, drove a bus. Today, Henry still goes to work at Number 1 London Wall at least four days a week. Sometimes he makes it a five-day working week — and a full day at that. So what is so special about Henry? Well, he is 90 — and still going strong. As his motto says: "Let Brotherly Love Continue".

Food thoughts

IF civil servants find post-baked teddy bear-shaped sausages from Greenock being served at official parties from now on, they will know the idea came from William Waldegrave, the Agriculture Minister. Yesterday, he toured the International Food and Drink Exhibition at Earl's Court — with 1,300 exhibitors, 25 national pavilions and more than 50 international companies the largest event of its kind in Britain — where he was impressed by the amount of import substitution from Indian, Thai, Sri Lankan, Pakistani, Chinese, and other cuisines. Just the kind of snacks needed for Whitehall. Today, the Prince of Wales, the new patron, will be tempting his taste buds at the exhibition.



"To avoid confusion it is changing its name to Bowaters"

Wide-awake

MEANWHILE, stand by for a punch up at tomorrow's 10th lunch at the Royal Albert Hall — of the Royal variety. I hasten to add, The Health Education Authority has asked caterers Ring & Bryner to prepare three non-alcoholic cocktails, a strawberry punch, a Pilsner Chalka made of lime juice and ginger beer, and an Apple. That should ensure delegates are wide awake for the afternoon session.

Bag lady

ENCOURAGING to know that if you go to the right meeting you can still collect a goodies bag. A female colleague who popped along to SmithKline Beecham yesterday emerged with a green canvas bag, the contents of which included Horlicks, Milk of Magnesia, raspberry milk shake flavour, a large tube of Mace's toothpaste, Panadol and Heder tablets, a tin of Andrews original liver salts, a month fresher, and a toothbrush. All handed out after the agn.

COLIN CAMPBELL

How long can rates resist the pressure of price rises?

Philip Bassett
reports on what can be gleaned from the latest set of economic surveys

When Howard Davies announces today the findings of the latest Confederation of British Industry quarterly trends survey, a good deal of public attention will be on him: his move, confirmed by Downing Street yesterday, from the director-generalship of the CBI to becoming deputy governor of the Bank of England. Ministers, the City and business, will, however, be more interested in what the CBI survey implies on a range of key industrial and economic issues, most especially on prices, inflationary pressures and interest rates.

Mr Davies's move is testament to the influence that the CBI wields on policy. But beyond any one CBI leader, the attention given to large-scale industrial surveys — from the CBI especially, but also from the chambers of commerce, the building employers and the Institute of Directors — is a key factor in helping to shape monetary policy.

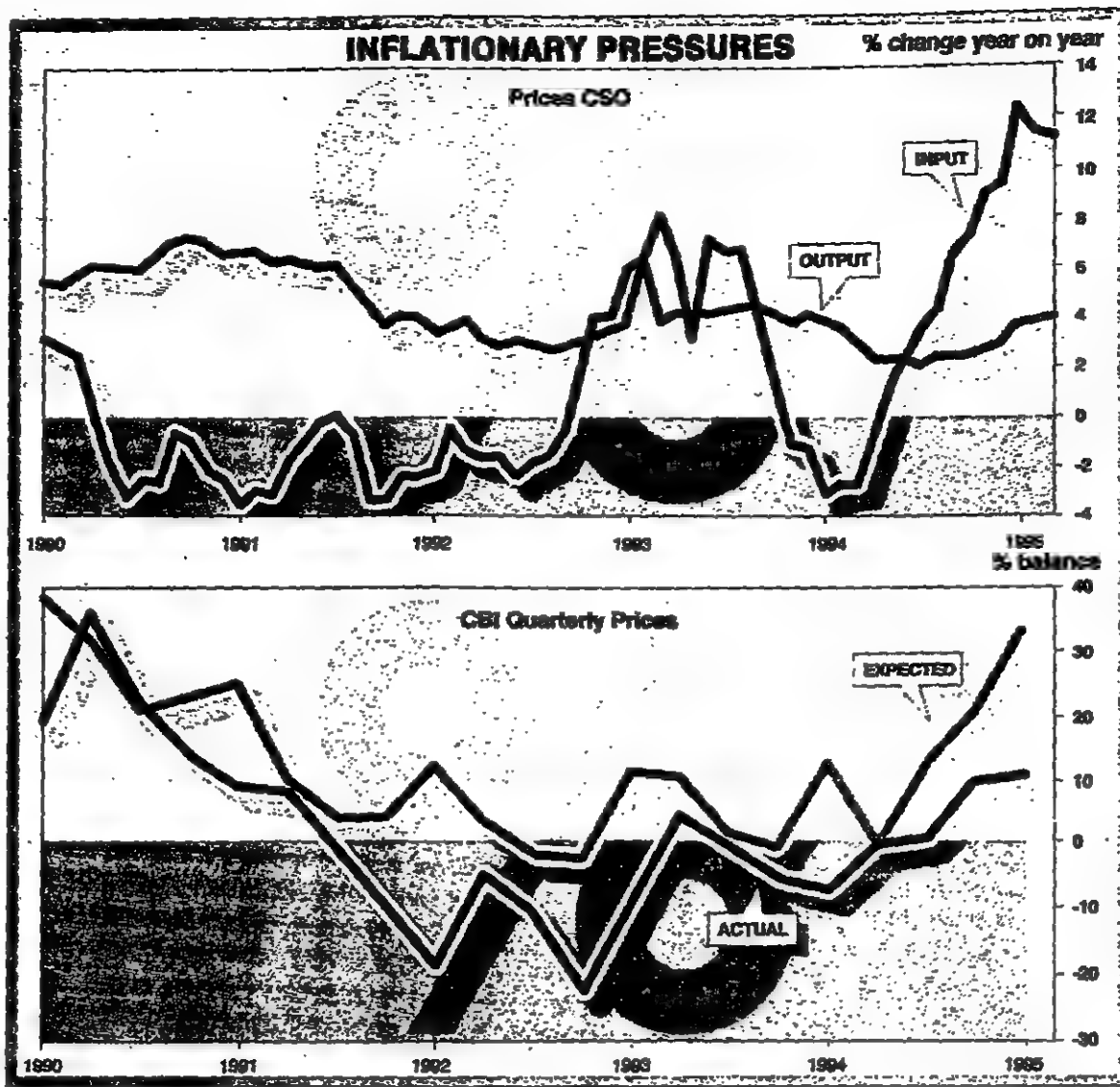
Indeed, a joke did the rounds at the Treasury that the economic forecasting department headed by Alan Budd, chief economic adviser, should be renamed the department for studying the CBI survey's capacity utilisation index, as Treasury officials tried to work out how sustainable economic recovery was likely to be.

Recent figures, including the chambers' survey last week, have denied, but only slightly, City expectations that Kenneth Clarke, the Chancellor, and Mr Davies's next boss, Eddie George, Governor of the Bank of England, are likely to agree a further half-point rise in base rates at their next monthly meeting a week on Friday.

Today's CBI figures, together with this morning's output data for the first three months of the year, are widely seen as central to that judgment. Certainly, few analysts or economic commentators were in any doubt about the impact of the January CBI quarterly survey on the rate rise announced on February 2. But lobby groups such as the CBI now have a concrete measure of the often hard-to-discern impact of their work — in the minutes of the monthly meetings published by the Treasury. A shuffle through the complete set of minutes since they were first published last April shows a very high strike rate for the CBI's now-legendary bank of survey data.

Take, for instance, the meeting of September 7 last year, which eventually decided on the first of the latest round of interest rate rises — the half-point increase on September 12. In the eight pages of minutes, the CBI is mentioned on five of them.

While this pattern is now established in the rather formally presented accounts of the meeting which the minutes give, the figures from the CBI and other sources are clearly important. In the February 2 meeting, after which rates were raised that day, Mr George said that there were "clear danger signals in the direct evidence of cost and price pressures", while Mr Clarke acknowledged that the "future outlook for inflation was less benign". In particular because of a rise, however seasonal, in the latest CBI survey price balance. Senior figures at the CBI are aware of the responsibilities that this places on their members to ensure that surveys such as today's accurately reflect what industry is genuinely feeling — though some CBI leaders, aware of the impact of higher rates on



business still struggling to emerge from the recession, joke ruefully in private that sometimes they wished that their members were not quite so accurate in their reporting of intentions to increase their prices, for instance. While any fiddling with the figures at the CBI and similar bodies would destroy their credibility, and therefore their usefulness, such a restriction does not stretch to the interpretation placed on the data.

In public today, Mr Davies will certainly have a view to put forward, about interest rates in particular, based on the survey's findings. In private, too, before the Chancellor's and Governor's last monetary meeting on April 5, the CBI leader wrote to both men, enclosing details of the CBI's distributive trends survey on high street prices, urging "some reason for caution" in interpreting the figures. In line with the CBI's overall position, likely to be restated again today, that further rate rises are not warranted, it concluded: "The results tend to confirm our view that inflation pressures remain weak in the consumer market and that interest rates can safely be left at their present level for the time being."

What will today's CBI survey say about inflation pressures and, as a result, interest rates? The Government's figures suggest that while factory-gate output prices have remained broadly stable throughout the recession and beyond, input prices have accelerated sharply this year, reflecting both higher commodity prices and higher import costs as the value of sterling has fallen.

The CBI's data, also charted here, shows manufacturers' price expectations consistently running ahead of price increases. While this shows that industry has often been unable to make

its planned prices stick, it demonstrates with stark clarity manufacturers' intentions to push up prices if they can, and their ability over the last year to do so. Other indicators suggest that price pressures in industry may be even more severe than either the CBI's figures or the Central Statistical Office's data show. The Treasury-Bank minutes also display a reliance on the price figures produced by the Chartered Institute of Purchasing and Supply (CIPS); the institute believes that price pressures are much stronger than the main figures imply.

"It is clear that cost pressures are building up within the UK economy to a much greater extent than is evident from the official economic statistics," according to a study on current UK inflation by NTC Research, which compiles the price figures published by CIPS. As well as "very rapidly" rising raw material prices, which feed through extensively into intermediate goods, "the official price indices do not measure the prices at which inter-company transactions take place. The CIPS index, and show rapid growth".

Capacity constraints and supply shortages are linked to price rises for many materials and semi-manufactured goods, the CIPS says. Even according to the Government's figures, some price rises are sharp. Compared with a year ago, plastics prices are up 21 per cent, man-made fibres by 15 per cent. Metal goods are up 14 per cent, textiles the same, and paper goods 12 per cent. CIPS figures show, too, the extent of the price rises in terms of time. Prices of aluminium, stainless steel, copper and PVC have been rising for many months, as have those for paper products. Unsurprisingly, many of

these items are in very short supply. Take the paper industry. At the end of 1993, pulp prices were running at about \$390 per tonne. At the moment, they are about \$525 to \$550, and due to rise in June by \$100 on these prices. The industry expects prices per tonne to hit \$1,000 by the end of the year.

Bryan Bateman, business director of the Paper Federation of Great Britain, said: "Paper prices are moving and the present trend is upwards." However, he also argues that the price rises are both a market correction in the UK, where prices are 25 per cent lower than in Germany and the US, and 60 per cent lower than in the Far East.

Newspaper publishers, including News International, publisher of The Times, are bracing themselves for rises in newsprint costs of up to 25 per cent in the summer, which may carry severe implications for the current cover price war. Arjo Wiggins Appleton, the paper manufacturer, says that prices had to adjust in the industry because many pulp-makers were losing money — but the speed of the price rises since the end of 1993 has been difficult to adjust to. With pulp accounting for up to 70 per cent of the cost of a tonne of paper and costs rising every quarter, Peter Cutler, Arjo's group economist, says: "There is no way of avoiding pushing these raw material costs on to the end user."

Business leaders at the CBI and elsewhere argue that such evidence of price rises is sectoral and patchy and that it does not yet amount to a significant price push sufficient to cause concern about inflation and raise interest rates again. Many City economists remain sceptical. They believe a rate rise is looming, especially given exchange rate pressure on the pound. With his new job in mind, Mr Davies will doubtless look keenly at inflationary pressures when he presents the CBI's latest industrial figures today — and business and the City will wait to see how they play out when the Chancellor and the Governor meet next week.

Sceptical economists believe that an interest rate rise is looming

BUSINESS LETTERS

Bank of England should publish banks' interest-rate data

From Mr Terry Foulkes

Sir, Your report (Banks pressed to give interest data, April 20) that the Bank of England has been asking banks for information on the average interest rates would appear to reveal a missed opportunity. The data are not for publication. Banks apparently fear being questioned by the rate of their customers about the rate offered to them.

One banking source is quoted as saying: "A lot of customers cannot imagine they are as bad risk as the banks think they are." Clearly there is a case here for better communication.

At the same time the Abbey National publishes the results of a survey, which it claims shows that one-fifth of current account holders "are dissatisfied with their account". Leaving aside any marketing gloss, this result adds to similar comments made over recent years by representatives of the small and medium business sector.

One is inclined to point out that more transparency on bank costs would benefit customers by enabling them to consider shopping around. By doing so they can also get a better picture of both the expectations of the finance sector and how they are, in particular, perceived. On the other hand, banks

would need to improve their relationship with their customers and staff their branches with better-trained and more accessible personnel.

The publication of such information by the Bank of England would initially cause some overload to the banks at a time when they are continuing to downsize.

It would also be something of a shock to their customers. In the longer term, however, it could well lead to the building of a quality relationship banking system that is sadly absent at present.

Given that the development of sound small and medium businesses is proclaimed to be a vital part in the future of the United Kingdom and that currently many of them are said to be lacking sophistication in their financial management, a means of improving the whole system is well worth the initial discomfort it might engender.

Yours faithfully,
TERRY FOULKES,
Taff Associates,
25 Nursery Road,
Cheadle Hulme, Cheshire.

Right rate for the job

From B. C. Barton
Sir, The chief executive of Barclays Bank has been much criticised for his £750,000 re-

muneration package. I compare this with the recently reported £300,000 annual salary of the chief executive of the Northern Rock Building Society.

If the latter is reasonable for what, by any standard, is a comparatively modest little enterprise, surely Mr Taylor should receive substantially more as the head of a leading financial institution.

Yours faithfully,
B. C. BARTON,
St. Andrew's House,
27 West Street,
Wilton,
Wiltshire.

Last of the real bank managers

From Mrs Jean Gage

Sir, In today's atmosphere of mixed feelings about banks it is good to mention some rejuvenating news. Recently, while struggling to come to terms with the effects of a burglary I not only received a telephone call from my bank manager but also a bunch of flowers — it did much to raise my morale and I am most grateful.

Yours faithfully,
JEAN GAGE,
39 Horsecastles Lane,
Sherborne,
Dorset.

Eurotunnel must remember North

From Mr George Sharratt

Sir, The latest financial troubles of Eurotunnel do not surprise me in the least. Their problems are self-created.

The policy that they have formed only caters for people from London and the South. They don't seem to think of how people from the North and the Midlands plan their travel into Europe.

There is little or no problem to start running services from all our main cities in England, Wales and Scotland, within weeks. Motorail services and through freight can also be accommodated.

One of Eurotunnel's problems is that they don't employ good practical railway operators. They concentrate too much on gimmicks or fancy decorations, when they should be running it as part of the whole British Rail network.

All I have commented on is possible, and I know there are good operators who can show them how. It's evident that they haven't got anyone at present.

Yours faithfully,
GEORGE SHARRATT,
26 Glencaigne Drive,
Crossens,
Southport,
Merseyside.

Alternatives to eternal devaluation of currencies

From Mr Patrick O'Brien

Sir, Anatole Kaletsky is undoubtedly correct in his assessment that exchange rates can be used to adjust trade imbalances and promote full employment (April 20), but what are the longer term consequences of the eternal devaluation of currencies? And are they necessary?

It is true that there were booms and slumps when the world was on the Gold Standard, but eventually these were corrected by economic adjustments often fuelled by the growth arising from new inventions which created wealth and employment. We were building the world economy, but that phase is over. Now we have to compete for the imports we need with the maturing economies.

The burgeoning of a world market is making it increasingly difficult to maintain the standard of living of our workers let alone the unemployed. The public services such as education, the health services, etc., are eternally underfunded despite over-taxation. Welfare is consuming the money which should pay

for investment whilst simultaneously creating unemployment by raising expectations.

We have a choice between reducing our standard of living, reducing the size of our population or becoming more ruthless with those not producing because we cannot compete with disciplined, motivated, lower taxed and in-

creasingly well educated emerging nations.

Anatole Kaletsky's devaluations may make our decline easier to bear but surely we should have higher aspirations? Yours faithfully, PATRICK O'BRIEN, 2 Evening Glade, Ferndown, Dorset.

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Rowland: update in May

But it is now in the interest of both names and Lloyd's to reach a negotiated settlement. The benefit of a global settlement is that it would naturally free up an estimated £500 million that has been reserved for twice over, to cover litigation claims. But in case the settlement fails, Lloyd's has changed the rules so it can collect directly any litigation awards made to names.

A second course of action is to impose a levy on those names who are still underwriting. This would include the new band of incorporated names as well as the traditional individual names. Alternatively the market could seek external funding. This could be in the form of contributions from the mass of companies who would be adversely affected by Lloyd's collapse but more likely by means of a capital market funding.

Mr Rowland and Peter Middleton, chief executive, have already managed to keep several hundred names in the past two years. The question is whether they can leap the latest hurdle assuming it exists in the first place.

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TRADING PERIOD: Settlement takes place ten business days after the day of trade. Changes are calculated on the previous day's close, but adjustments are made when a stock is ex-dividend. Changes, yields and price/earnings ratios are based on middle prices.

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Inner city corporation hands over its powers

By Rodney Hobson

THE first of the 12 urban development corporations to be wound up has handed over responsibility for the regeneration of inner city areas of Leeds. The remaining bodies scattered around the country will be closed down over the next three years.

Leeds Development Corporation was established in June 1988 and was originally intended to have a life span of five years. An extension was subsequently agreed because the onset of recession slowed down economic regeneration while making the task more urgent.

The regeneration of south central Leeds and the Kirkstall Valley has created 9,000 new jobs in industry, offices, retailing and leisure. In addition, 561 new homes have been built.

One of the big successes has been the Hunstall Business Park, built on a 50-acre derelict site. The area was once occupied by a notorious block of leaky flats.

Conscious of criticism that redevelopment tended to produce office blocks, the corporation attracted a variety of small industries to the park.

The Royal Armouries Museum, a leading tourist attraction, is scheduled to open in the area next year.

The corporation has spent £55.7 million of public money and attracted £350 million of private-sector investment. Its planning

functions have been transferred to Leeds City Council and responsibility for managing unfinished development projects has passed to English Partnerships, the body overseeing regeneration in England.

Leeds Development Corporation will exist for just a further two months while it prepares its final report.

The 12 development corporations were intended to have a limited life. The reasoning was that they should be encouraged to complete their work quickly. Their task was to find land, provide infrastructure, encourage development and improve the local environment, bringing in as much private-sector investment as possible.



"Just an indignation tablet for me - I've come straight from a working breakfast"

GOING from boom to bust in the financial futures market failed to break the spirit of Gary Frank. He bounced back to launch The Delicious Donut Company selling sweet snacks to corner shops, catering companies, schools, hospitals and leisure centres.

Mr Frank enjoyed a tremendous lifestyle on Wall Street in the 1980s. He said: "I was trading futures for myself with my own funds. I was your typical yuppie with all the trimmings. I started in 1982 just at the right time for the business boom. Everyone was making money. It was as easy as shooting fish in the proverbial barrel."

He admits that, like so many speculators, he developed the belief that he could not go wrong. Able to earn as much as £60,000 in a particularly good week, he invested more and more. In the crash in October 1987, he lost the lot.

He said: "The more you trade, the broker builds up confidence in you and he asks for small deposits to cover considerable amounts of investments. When the stock market fell 10 per cent in a day there was not enough money in my account to cover the margin calls. Overnight, I was broke."

After the initial shock, Mr Frank felt relief that all the pressure of his life as a speculator had been lifted off him. He sold his last remaining possessions to buy a ticket back to Britain and lived on £37 a week unemployment pay near Oxford, where he had once been a student. His transport was a bicycle. His



Gary Frank: "I had nothing to start with so I had nothing to lose"

degree was in philosophy and psychology and his CV looked unimpressive so a City job was out of the question at a time when the finance sector was laying off staff. On the other hand, he was over-qualified for a more humble job.

He said: "I was on the dole for 12 months. I enjoyed that time. There were no pressures and I enjoyed the simple life. I played tennis and cycled. But I wasn't going to spend the rest of my life on the dole. One

night I dreamt about doughnuts. It sounds corny, but it is true.

"With hindsight, if I had known how much work I was going to have to put into setting up making them, I wouldn't have done it."

The first step was to look up doughnuts in the Yellow Pages telephone directory. A local company supplied raw materials and ingredients. Mr Frank asked for samples and recipes which he took round shops in Oxford to gauge the

potential market. Then he had to find premises, a van and machines to make the doughnuts.

He says: "From walking up with the idea to putting signs on the door took six months. The hardest thing was finding premises."

Obtaining financial backing was easier. Mr Frank said: "The banks at that time had a more positive attitude and the Government's enterprise scheme paid £40 a week. People said I was very brave to set up my own business, but I had nothing to start with so I had nothing to lose. For guys with perks such as company cars and pensions it would have been a huge risk to plunge into the unknown. The only way I could go was up."

Mr Frank started making doughnuts in a 900 sq ft factory at Witney, Oxfordshire, in May 1989 with one assistant.

He said: "I came in at midnight and made doughnuts until 6am. I loaded the van and delivered to London, came back at 1pm to do the paperwork and make phone calls, grabbed a little sleep and started all over again at midnight. After six months of that I was nearly dead. Looking back on it now, I don't know how I survived the first year. I was tired all the time. I was falling asleep at the wheel of the van."

First year turnover was £40,000. In the second year, it was £300,000. It has now reached £2.5 million and the company employs 50 people in a new 10,000 sq ft factory.

RODNEY HOBSON

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■ VISUAL ART 1

A magnificent Paris retrospective shows how Chagall instilled Russian vigour into the avant-garde



■ VISUAL ART 2

... and the spring season in Paris also holds the key to the primordial genius of Brancusi

THE TIMES
ARTS

■ VISUAL ART 3

A revelation of manifold talents, or a bit of cheek? David Bowie puts his canvases on show in Cork Street



■ VISUAL ART 4

Unclassifiable but undeniably impressive, André Masson's powerful paintings come to London

Giving shape to the new century

Richard Cork reviews two stunning shows in Paris this spring — of sculpture by Brancusi and paintings by Chagall

Although Brancusi has long enjoyed a legendary status, his sculpture is frustratingly hard to find. British public collections have only a few of his works, and devotees must make an arduous journey to see his culminating masterpiece, the monumental ensemble of table, gate and column at Targu-Jiu. Because so many of his carvings are fragile, Brancusi exhibitions have been rare. But the Pompidou Centre is celebrating springtime in Paris with his first-ever French retrospective, and the outcome must be seen by anyone eager to grasp the full extent of his outstanding achievement.

The singleness of mind and sheer originality of Brancusi's work might suggest that he basked, from the outset, in a tenacious sense of certainty. The truth is quite different. As the much-bullied son of a Romanian peasant, he lacked the advantages of a more cosseted upbringing. His schooling was very disrupted, and came to an end at the age of 13. Brancusi's carving skills eventually won him a place at the Bucharest School of Fine Arts in 1898, but the work he produced there was academic. Only six years

later, after he settled in Paris, did he shed his provincial caution and develop a boldness which had a profound, tonic effect on the language of modern sculpture.

The initial exhibits in his Paris show are traditional enough. Sensitively modelled bronzes of boys and babies' heads declare a debt to Rodin, who employed him briefly as an assistant. But we are soon confronted by the sudden, astonishing emergence of 'Brancusi's' individuality. Paris exposed him to a wealth of challenging new ideas, and in 1907 he found his own voice at last. Modelling *The Prayer*, a weeping woman in plaster for a funerary monument, he stripped her kneeling form of all descriptive detail. Only the essential structure remains, and yet alongside this formal toughness Brancusi invests the sculpture with a finely judged pathos.

However uncompromising his zeal for experiment became, he never lost this underlying sensitivity. Nothing could be more tender than the first version of *The Kiss*, a theme that would grow into a lifelong obsession. Cutting into a modest block of stone, he emphasises the absolute, urgent intimacy of the two embracing figures. They press their faces together in a childlike belief in their ability to fuse, and Brancusi's respect for his material reinforces the feeling of oneness. We are acutely aware, looking at this small yet revolutionary work, of an artist who wants the stone's inherent character to help him to shape the final sculpture.

Throughout his life, Brancusi

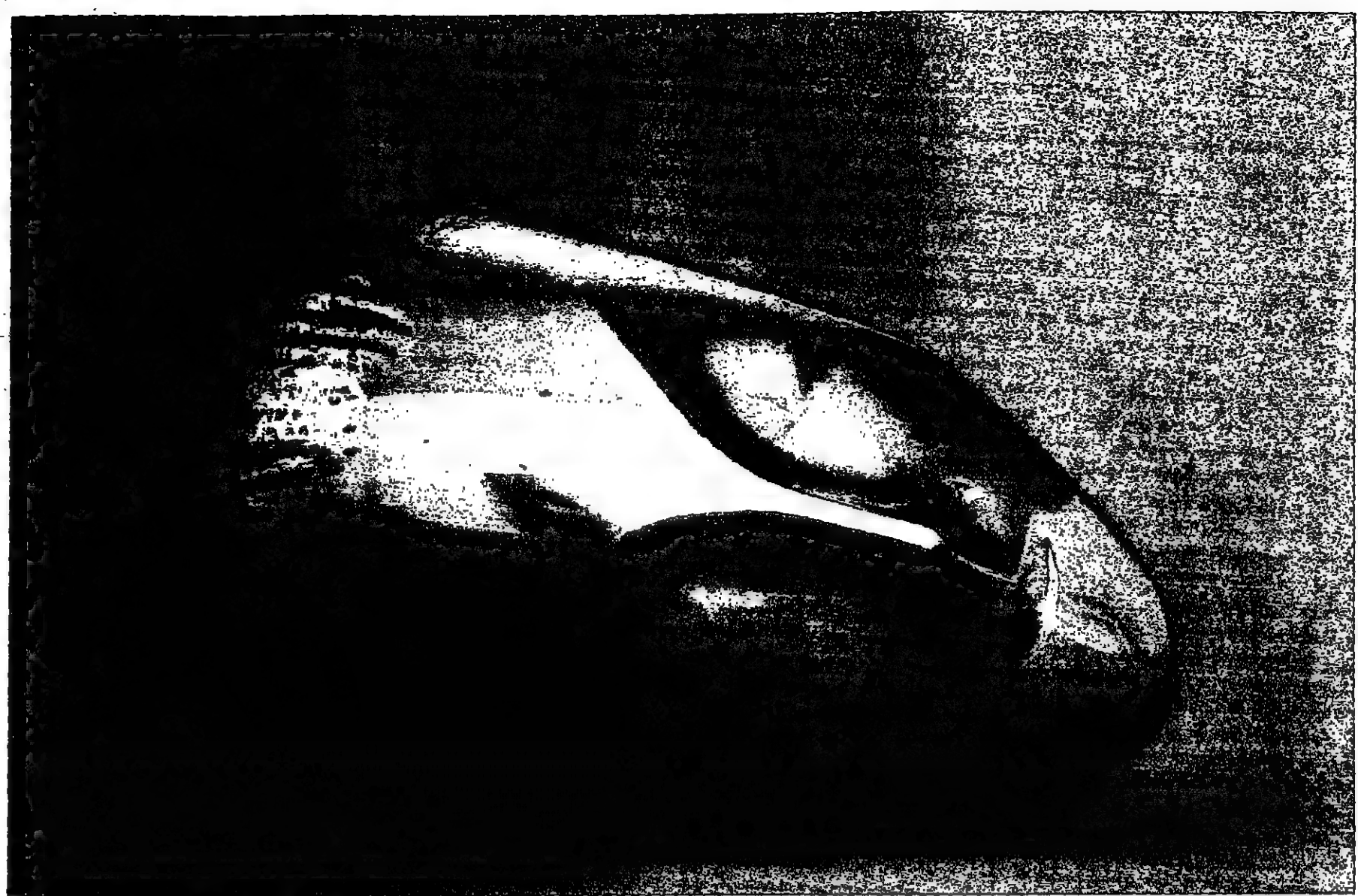
retained a love of first-hand involvement with stone and wood. Carving direct, an ideal that inspired so much impressive European sculpture in the first half of the 20th century, stressed a robust, physical engagement with the material in the studio. *The Kiss* is left in a deliberately raw state, far removed from the polished perfection cultivated by naive Salon sculptors. In common with others of his generation, Brancusi preferred the roughness of so-called primitive art. They revered African and Oceanic work, preferring its vigour to the exhausted conventions of the classical tradition.

Brancusi gradually became preoccupied with the notion of recovering the origins of form. Time and again, in the Pompidou show, sculpture is reduced to images redolent of eggs, sperm and foetal growth. Even when heads are represented, their features hardly seem to have emerged from some primordial state. *Muse Endormie*, one of Brancusi's most concise and memorable pieces, lies on her side with imperious poise. Her serenity is enhanced by the gleaming surface of the bronze. For Brancusi knew precisely how to use smoothness as well as its opposite, and make burrished reflections add to the enchantment.

In his ceaseless pursuit of some inner essence, radically separated from the superficialities of outer reality, this indefatigable sculptor concentrated on a limited range of motifs. Sometimes he verges on monotony, but the Paris survey discloses that each restatement of a theme is subtly different from its predecessor. *A Malestra* in polished white marble appears quieter by far than the same 'magic bird' in lustrous bronze. The various versions of the strangely phallic *Princess* likewise repay careful scrutiny, and I applaud the brave decision to display the sculpture without the perspex cases so often imprisoning them in other museums.

Freed from such encumbrances, we become more conscious than ever of Brancusi's fascination with the plinth. Or rather, with ensuring that the support or base is treated as an integral part of the sculpture as a whole. He makes no real distinction between the various parts, and delights in juxtaposing polished organic form at the top with a more coarsely handled geometric structure beneath. In places, this love of combining diverse elements can look fussy. But then we come across a sublime trio of *Birds in Flight*, as simple and graceful as tall sails bending tightly in the wind. And at the end of the show, an entire room is devoted to one superlative piece: the marble *Fish* from New York, its impeccable grey surface decked with white like the slightest of waves on a breeze-whipped sea. At

any, but the Paris survey discloses that each restatement of a theme is subtly different from its predecessor. *A Malestra* in polished white marble appears quieter by far than the same 'magic bird' in lustrous bronze. The various versions of the strangely phallic *Princess* likewise repay careful scrutiny, and I applaud the brave decision to display the sculpture without the perspex cases so often imprisoning them in other museums.



Muse Endormie, of 1910: one of Brancusi's most concise and memorable sculptures. The serenity is enhanced by the gleaming surface of the bronze. (© ADAGP)

his finest, Brancusi pared his images down to an irreducible state without sacrificing their manifold, enriching relationship with the natural world.

Chagall, whose early career is being examined at the Musée d'Art Moderne de la Ville de Paris, could hardly offer a greater contrast. Where Brancusi opted for stillness and abhorred narrative, Chagall rejoiced in boisterousness and loved telling stories with an excitable use of line and colour alike. In one respect, though, the two men are united. Both of them escaped from provincial regions far outside France, and came to maturity only after settling in Paris.

Chagall came from the Russian town of Vitebsk, and started his career by studying there under a local painter. But he was precocious enough to become aware, very quickly, of the most experimental movements in art, and his very first exhibits in the Paris survey reveal a lively awareness of Post-Impressionist ideas. They did not, however, lead him down the Brancusian path to purity of form. Cubism affected him soon after the move to Paris in 1910. But even in the large, self-consciously modern *Hommage à Apollinaire* he did not relinquish his quirky, anarchic sense of fun. Chagall insisted on painting a self-portrait with seven fingers, in an image so bizarre and dream-like that it looks like a forerunner of Surrealism. He also

thought nothing of slicing a head in two, setting the detached half free to float in a magical space of his own ordering.

But there is nothing violent about Chagall's work. When the outbreak of war stranded him in Vitebsk, he started producing images of wounded soldiers and anxious wives which carry no hint of martial exuberance. In 1914, the onset of hostilities was widely hailed as a great adventure. Chagall, however, painted an ageing Russian newspaper seller burdened with forebodings of the carnage to come. Although the war prevented him from returning to Paris for several years, he did not stagnate in his native land. On the contrary: the Paris show proves that Chagall was at his best during this turbulent period.

Many of the characters who animate his earlier work are brought together again here, in an uninhibited celebration of his Jewish heritage, his family and the people whose antics he had observed with such relish in Vitebsk. Damaged and incomplete they may be, but these resurrected decorations symbolise the re-emergence of an artist whose early career amply deserves this fresh, timely appraisal.

Constantin Brancusi is at Centre Pompidou (00331 44781233) until Aug 21; Marc Chagall: Les Années Russes is at Musée d'Art Moderne de la Ville de Paris (00331 47266127) until Sept 17

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Le juif rouge, of 1915: Chagall rejoiced in boisterousness and loved telling stories with an excitable use of line and colour

Pop goes Bowie the artist

THE uneasy marriage of pop music and art, as demonstrated last year by Paul McCartney, Bryan Ferry and David Bowie himself in a group show at the Flowers East Gallery, was never more evident than at the private view of Bowie's first solo exhibition at The Gallery in Cork Street last week. Fans and celebrities jostled with the critics to see the chrome heads and the plaster wallpapers with a series of computer-generated Minotaur under the title *New Afro Pagan*.

Bowie trained in art before committing himself to music, but on the evidence here it is clear that his albums will continue to delight long after his art is forgotten. The strongest works are the portraits in charcoal and in acrylic — notably the baleful *Head of J.O.* This study of Iggy Pop, with its suspicious green eyes glaring out of a blue face, has some of the emotional directness of the 1920s and 1930s portraits by the German Expressionists, whose works Bowie has collected. But the computer-generated images sap the integrity of the portraits. Bowie collaborated with Laura Ashley for the wallpaper works and his guitar-toting Minotaur, in the *Afro-Pagan II* series, is superimposed unhappily on a classical urn and acanthus leaf background in two billous shades of green and purple.

At the opening Bowie admitted that "while I was creating the computer art, I didn't pick up a paintbrush for more than a year". Unfortunately the sacrifice has proved needless.

Bowie the art collector — he has a large collection of British 20th-century art — is now himself collected. Charles Saatchi immediately purchased two pictures from this

exhibition, but although Saatchi has helped to establish artistic reputations before, this will not be enough to launch Bowie into the artistic Top Ten.

KATHERINE BERGEN

David Bowie is at The Gallery in Cork Street (0171-477 2812) until Saturday



Pontivy, 1937, by André Masson: an artist too big or too odd to fit any one category

as exciting and unexpected as ever. Samuelson is a remarkably strong and individual painter, with a disciplined professionalism which allows his fantasy, erotic and otherwise, to play gracefully around his people without ever getting too far out of hand. Philip Graham Contemporary Art, 9a-11 Bonhill Street, London EC2 (0171-920 0350), Tues-Sat, 11am-6pm, until May 13.

Though André Masson (1896-1987) usually finds him-

self classified among the Surrealists (he had a long but stormy on-off relationship with Breton and French Surrealism), he is too big or too odd to contain in any one category. There are paintings in the small but choice retrospective at the Mayor Gallery which are vaguely Cubist, like *Le Masque* and *Domino*; there is a detailed, luridly coloured realism like *Dans l'Herbe*; there are splattered free-form abstractions like *Figures Jubilantes*; sweeping Impressionist landscapes like *Panorama Nocturne*; and even a

couple which look like chips from Renoir's workbench. There is no doubt that several of the images are very powerful. But maybe the stature one accords the artist is a little less because it is difficult seeing them all as the work of one man. If these are the spokes, where is the hub? Mayor Gallery, 22a Cork Street, London W1 (0171-734 3553) Mon-Fri 10am-5.30pm, Sat 10am-1pm, until the end of May.

JOHN RUSSELL TAYLOR

JOHN Dodgson is one of English art's sad stories. Born in India in 1890, he went to Eton and Oxford, and was at the Slade in one of its great periods, just before the First World War. Some of this one might deduce from the work, most surviving examples of which (40 paintings and 30 drawings) are on show at the Fine Art Society in what is now presumably about the largest possible retrospective. Though he was not enormously productive, Dodgson's small surviving output must be put down largely to a fire which devastated his studio in 1964, five years before his death. What is now visible compounds regrets: Dodgson proved to be a real original, difficult to fit into any pigeon-hole. His paintings, in subdued but glowing colours, are of landscapes and interiors, mostly peopled. He has a strange way of conventionalising his humans which sometimes suggests Mervyn Peake, and one can also see connections with the Neo-Romantics of the Forties. Fine Art Society, 149 New Bond Street, London W1 (0171-629 5116) Mon-Fri 9.30am-5.30pm, until May 19, then at Gainsborough's House, Sudbury, May 27-July 23, and the Royal West of England Academy, Bristol, July 30-August 19.

James Lynch, one always hastens to say, is not just an animal painter. It is a neces-

sary caveat, because his pictures of pigs and bulls and chickens are so wonderfully life-like, completely unanthropomorphic, that his other qualities could easily be lost sight of. In his new show there are splendid examples of the animal work, including a series of illustrations commissioned by the Folio Society for a new edition of *The Wind in the Willows*, in which, significantly, Mole and Toad are not humanised at all, and certainly not clothed. But Lynch is a painter first and foremost, and there are also wonderful Palmerish landscapes, bathed in a visionary glow, and some coolly elegant interiors. Mass Gallery, 15a Clifford Street, London W1 (0171-734 2302) Mon-Fri 10am-5pm, until May 19.

Few paintings are more vividly evocative of bohemia than Peter Samuelson's portrait of *Family and Friends*, now on show at Philip Graham's gallery, transplanted from a poky cottage in Kensington to a spacious, gleaming white basement in Finsbury. Samuelson, now 82 and himself transplanted for some years from Earls Court to the depths of the Oxfordshire countryside, still paints the same types of slightly rough young men and sensible middle-aged women with the same luminous clarity; the style has broadened slightly, but the colour-harmonies are

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LAW

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Legal advice is still essential when a marriage breaks down, says Nigel Shepherd



Don't divorce the lawyer

On Thursday the Government will publish its long-awaited White Paper on reforming divorce law. The aim is to end our fee-based system and put paid to the bitterness felt in many divorces. The so-called "quickie divorce" will be scrapped and in its place divorce will become a "process over time", during which couples will have to sort out arrangements for children and finance before being granted a final decree.

Solicitors specialising in family law, most of them from the 3,500-member Solicitors' Family Law Association (SFLA), hope that the proposed changes will create a new way for couples and families to deal with the breakdown of a marriage. But there is a danger that the warning voices the Lord Chancellor has heard since he published his initial proposals in December 1993 may be ignored.

The association advocates an approach that combines independent advice with an encouragement to clients to search for fair solutions. Family law solicitors are wholly supportive of the desire of Lord Mackay of Clashfern, the Lord Chancellor, to reform the legal grounds for divorce. However, in the SFLA are worried about how the Government may implement his proposals and what they may mean in practice.

There can be little doubt that reform of divorce is long overdue. The current need to

show that a marriage has irretrievably broken down by establishing one of a mixed bag of separation and fault-based facts is at best illogical and at worst destructive.

Couples who wish to separate and divorce by consent after two years are often driven into making allegations against each other, just because the court's powers to make final lump sum and property adjustment orders have to wait for the divorce itself to happen. So the Gov-

ernment's proposal that the irretrievable breakdown of a marriage be established by one or both parties filing a statement of breakdown, followed by a year for reflection upon, and dealing with, the consequences of divorce for children and personal finances, merits support.

This waiting period will be wasted, however, unless people can get consistent and helpful information about their options and the divorce process. The SFLA supports the Government's aim that this be available. We would like to see a standard pack published, containing local information on the range of help and services available.

first interview is needed, not that an independent organisation needs to be set up to provide information. Both would be costly and time-consuming.

Instead, professionals such as mediators, counsellors and family lawyers should be accredited to provide information. The importance of getting early legal advice must be emphasised. There is a world of difference between information and advice. Inherent in the Government's call for compulsory initial interviews is the notion that couples can do without legal advice. In attempting to cut "costly" lawyers out of the equation, it must not fall into the trap of

thinking that mediation is a universal panacea.

Mediation — whereby couples are helped to resolve their differences by the presence of a trained facilitator — can be a useful tool. Many of our members are trained mediators and we have been involved in developing mediation techniques since we began in 1982. This is why we know it is not appropriate for many couples: it is not a substitute for legal advice. Where mediation is appropriate, solicitors have a key role to play in buttressing it by offering advice where needed.

After successful mediation, the client will need legal advice on the agreement and on presenting it to the court. Possible conflicts of interest mean that one solicitor cannot advise both parties.

This argument is not about panicky solicitors looking to retain their role. Last year the Joseph Rowntree Foundation published its findings into the impact of mediation on more than 500 couples and concluded: "Their [lawyers'] legal expertise was appreciated by clients who felt the presence of lawyers gave the mediation process and outcomes a greater validity."

The Government's stated aims in reforming divorce include saving saveable marriages, ensuring that people understand the process and the consequences of their decisions and minimising bitterness and hostility. There is no reference to the need to protect

the individual and to strive for a fair settlement.

Divorce is a legal process and a legal system that excludes lawyers exposes the vulnerable to the stronger. The way forward is for the different professionals — mediators, counsellors, family lawyers and others — to work in partnership. The SFLA supports changes that encourage constructive solutions. We do not support changes that prevent access to legal advice for legal problems.

● The author is Chairman of the SFLA and a partner with Lee Mawer of Manchester.

The degradation of death row delays

Earlier this month, Nicholas Ingram was executed in the electric chair in Georgia after spending 12 years on death row. The case of this British-born murderer vividly illustrates how the American legal system breaches the fundamental rights of those on whom capital punishment is inflicted.

The death penalty has been abolished in almost all developed societies. It has little, if any, deterrent effect on capital crime, there is an unacceptable risk of executing a person who has been wrongly convicted and retribution is adequately met by imposing long terms of imprisonment — if necessary for the whole of the offender's natural life. Moreover, executions demean those societies which implement them, as shown by the bizarre circus in which Ms Vicki Gavallas, spokeswoman for the Georgia Department of Corrections, gave regular briefings on Ingram's words and actions in the hours leading up to his death.

Whether or not there is a case for capital punishment as a permissible penal measure, courts in Europe, and elsewhere, have recognised that it is a breach of basic standards of decency for the State to execute an offender after keeping him on death row for several years.

In 1989, in *Soering v United Kingdom*, 18 judges of the European Court of Human Rights unanimously held that it would amount to inhuman or degrading treatment contrary to Article 3 of the European Convention on Human Rights for the Home Secretary to extradite a West German citizen to the American state of Virginia to face a charge of capital murder. The court held that the extradition would breach Article 3 because in Virginia prisoners were often held on death row for a period of six to eight years before execution, during which time the condemned prisoner "has to endure the anguish and mounting tension of living in the ever-present shadow of death".

In November 1993, in *Pratt v Attorney General for Jamaica*, the Judicial Committee of the Privy Council held that it would be inhuman or degrading treatment contrary to the constitution of Jamaica for the appellants to be hanged, having spent 14 years on death row after their convictions for murder. Lord Griffiths, giving the judgment on behalf of seven Law Lords, explained that if a State wants to retain capital punishment, it "must accept the responsibility of ensuring that execution follows as swiftly as practicable after sentence, allowing a reasonable time for appeal and consideration of reprieve". The Supreme Courts of India and Zimbabwe have reached similar conclusions.

The Privy Council and the European Court have said that it is no answer for the State to plead that the delays in implementing capital punishment are the consequence of appeals by the prisoner. Lord Griffiths pointed out that it is "part of the human condition that a condemned man will take every opportunity to save his life through use of the appellate procedure". If that procedure enables the prisoner to prolong the hearings over a period of years, "the fault is to be attributed to the appellate system that permits such delay and not to the prisoner who takes advantage of it".

There is, as Lord Griffiths explained, "an instinctive revulsion" against executing a person who has been under sentence of death for many years. Such revulsion is a mark of our humanity, in that "we regard it as an inhuman act to keep a man facing the agony of execution over a long-extended period of time". The Privy Council concluded that any execution more than five years after sentence would probably breach the prisoner's fundamental rights.

Other societies have recognised that delay in the implementation of capital punishment is intolerable. In Plato's *Phaedo*, we are told that it was only because of the sacred season of the year that "Socrates lay in prison and was not put to death until long after he was condemned" — in fact 30 days. In *The Gulag Archipelago*, one of Solzhenitsyn's indictments of Stalinist penology was that "famed geneticist, N.I. Vavilov, waited several months for his execution — yes, maybe even a whole year".

We all have to come to terms with our own mortality. But an execution imposes exceptional mental agony on the victim who, as Dostoevsky explained in *The Idiot*, suffers the "certain knowledge that in an hour, in ten minutes, in half a minute, now, this moment, your soul will fly out of your body, and that you will be a human being no longer".

It is torture far more cruel than death itself for a person to be kept on death row in a state of suspended animation, knowing that on any day the authorities may carry out their announced intention deliberately to extinguish his life.

● The author is a practising barrister and a Fellow of All Souls College, Oxford.



COUNSEL
DAVID
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This argument is not about panicky solicitors looking to retain their role

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A vote for Society

THE Law Society council this week votes on its preferred candidates for post of president, vice-president and deputy vice-president. Normally, the council elects only the deputy vice-president, who then appoints routinely to vice-president and on to president. But with the first contested elections to be held for 40 years, the council can only declare its preference — the actual vote rests with the 70,000 solicitors in England and Wales.

For the first time, too, the voting process may be held in open session. Of the three candidates for president, Henry Hodge, now deputy vice-president, is certain to win the council's vote by a good margin. This will be

considered the "kiss of death", by Martin Mears and Eileen Fenbridge, the two rival candidates.

Hodge is undaunted. "I have been on the council for 11 years," he says, "but I have always seen myself as a bit of an outsider in a rather establishment organisation."

Table turning
YOUNG accident victims should receive higher damages awards after a pledge by the Lord Chancellor to act on proposals from the Law Commission last year.

The commission recommended the use of actuarial tables and information from the money markets when courts calculate damages for

victims' future losses. They should also simplify procedures for awarding damages through a series of annual payments, rather than in a lump sum. Sir Michael Ogden, QC, who chaired the working party that drew up the guidance on the tables, said that judges have not been making high-enough awards.

Justice delayed
UNACCEPTABLE delays in bringing child-abuse cases to court are highlighted in a Crown Prosecution Service study of 200 prosecutions. Despite a government commitment more than seven years ago to expedite such cases, Prosecuting Child Abuse, by Joyce Plotnikoff and Richard

Woolston (Blackstone Press, £12.95), found that these cases take longer than the national average to reach trial and that the child's welfare is often affected by judicial prejudice.

Fitting verdict

BEWARE lawyers quoting the Sale of Goods Act. A London shoe shop manager told the magazine *In Brief Monthly* about young lawyers appearing in his shops carrying scuffed shoes, that they claim are only six months old, saying: "My client is not able to come in and have them exchanged, as is his right."

But the lawyer's feet are usually suspiciously similar in size to those of their alleged client. "Lawyers," says the manager, "are the most dishonest, cheating scoundrels I know."

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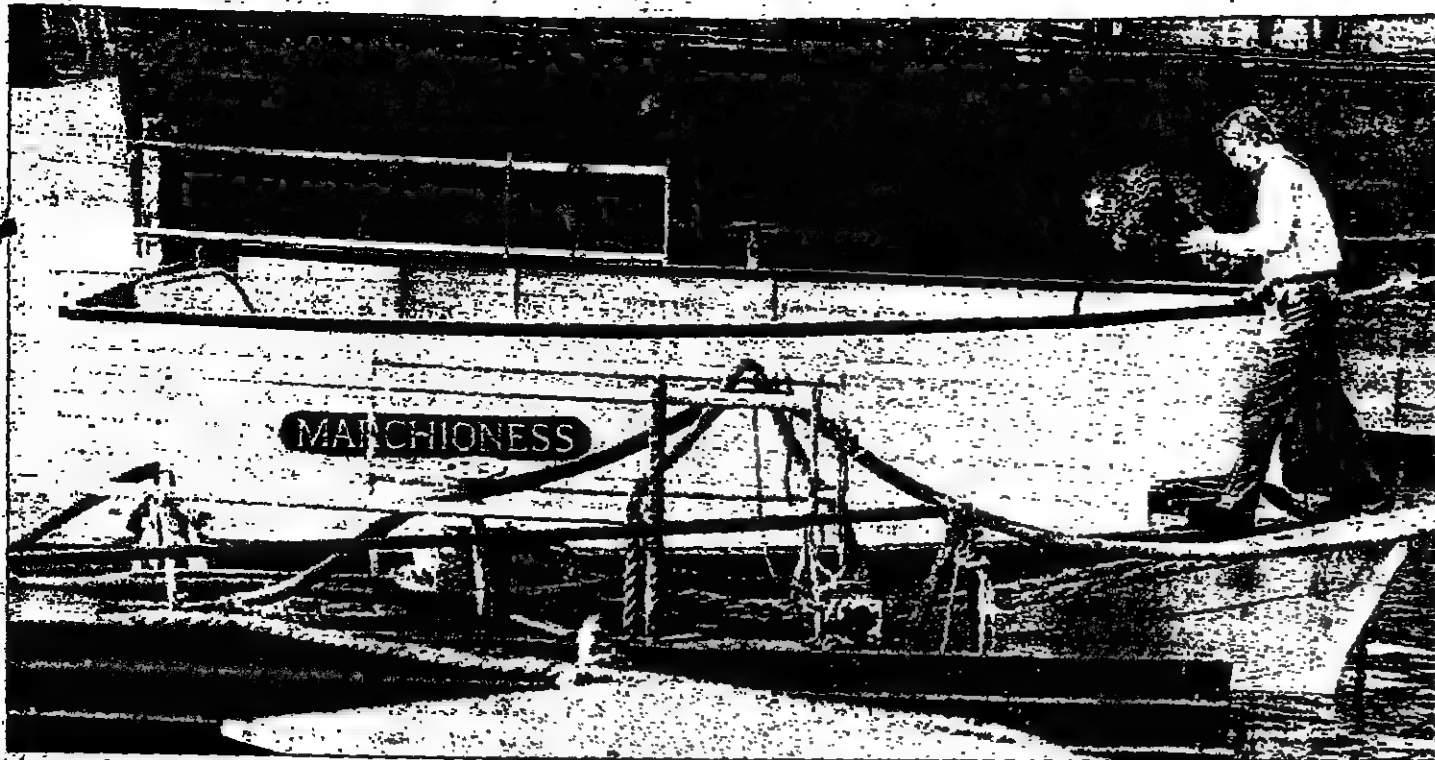
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Senior Lawyers



Aftermath of the tragedy: wreckage lying on the Marchioness underlines the poignancy of the accident in which 51 lives were lost

We don't need inquests

The recent verdict of "unlawful killing" on the victims of the *Marchioness* pleasure boat disaster raises more questions than it answers, and calls into question the value of the institution of the coroner's inquest — particularly in cases of large-scale loss of life.

To the bemusement of the public, the verdict resulted in contradictory responses from the two opposing camps. The *Marchioness* Action Group, representing some of the bereaved families and survivors, welcomed the verdict as the first step towards a long fight for justice. The *Bowbelle* owners, on the other hand, issued a statement insisting that the unlawful killing verdict could not relate either to themselves or to the ship's master.

The *Marchioness* sank on August 20, 1989 after a collision with the dredger *Bowbelle* on the Thames, with the loss of 51 lives. That catastrophe gave rise to a number of legal inquiries and proceedings. These have included a police investigation, an inquiry by the Marine Accident Bureau, two inconclusive trials of the *Bowbelle*'s skipper for breach of statutory duty, a manslaughter prosecution against four managers and directors of the *Bowbelle* and two separate sets of inquests.

How could this latest inquest produce such a farcical result?

Gareth Watkins says the 900-year-old institution of the coroner's inquest is outmoded and should be abolished

which can only serve to bring the law and legal processes into disrepute. The answer lies within the nature of the coroner's inquest itself — a 900-year-old legal anachronism. It meanders on, achieving little and for the most part doing no great harm.

Occasionally, however, the institution hitches into public prominence achieving the twin evils of producing firstly a spectacle and wholly Pyrrhic victory for anguished relatives, and secondly the implication of a manslaughter verdict without any charges having been laid, or in some cases in spite of charges having been laid and successfully denied.

Apart from the lawyers (who get their fees) and the press (who get a good story) nobody wins. Hardly surprising that relatives are left still calling for a full public inquiry whilst employers take refuge behind the fact that inquest juries are prohibited from bringing in verdicts which explicitly link criminal or civil liability to named individuals.

The key criticism of the inquest is that its inquisitorial approach sits

ill with the adversarial legal proceedings which may arise out of the same set of facts. Technically, at an inquest there is no accuser, no allegations, and no defendant. It is simply an inquiry into the cause of death. However, the cause which the inquest is probing is not only the medical cause of death but also the legal cause, and that sometimes involves consideration of whether an offence has been committed. Typically, in workplace or transport/leisure accidents the question is whether the deaths were accidental or caused through an act of gross negligence, i.e. involuntary manslaughter.

When a person is tried for manslaughter in criminal proceedings the allegations are put well before the commencement of the trial and the evidence upon which the prosecution relies is disclosed. However, strong that evidence may be, the accused at least knows what case he has to meet. At an inquest it is possible that an unlawful-killing verdict will be returned on the basis of evidence

which might be disallowed, discredited, or simply rebutted in criminal proceedings.

Then there is a temptation to venerate the institution of the coroner's inquest simply by virtue of its very antiquity. This should be resisted. There is no intrinsic reason why an institution which has lasted for 900 years is suited to the needs of society today. Nine hundred years ago there was no police force nor bodies to enforce safety standards. There was a real justification for a public examination in all cases of violent or unexplained death. Not so today.

Of course, there is a demand for an element of public examination and accountability. But this can be satisfied within the existing statutory framework. For example, the Health and Safety at Work Act 1974 gives the Secretary of State for Employment and the Health and Safety Commission power to direct that a public inquiry be held into accidents and to compel the attendance of witnesses.

The inquest is an outmoded institution, particularly in relation to multi-fatality disasters. The principle of public examination can be maintained without the disadvantage of verdicts that bring the legal system into contempt. It is time to bury the inquest.

The author is a partner with Nabarro Nathanson.

The show must go on

Duncan Lamont talks to the television lawyers whose task is to try to catch legal slips before transmission

Neil Coward said: "Television is for appearing on, not looking at," but for TV lawyers — not Clive Anderson or John Thaw's *Kavanagh QC*, but the anonymous specialists — there needs to be a lot of "looking at" before safe transmission. The broadcast programme may be very different from the original material.

News reports, comment and satire programmes require the closest scrutiny. Episodes of BBC's *Crimewatch* seldom create legal problems because most of the information comes directly from the police. The arrest of suspected criminals is clearly in the public interest, so privilege protects the presenters and producers from libel writs.

More problems arise when tough-talking hard-hitting personalities have a go at their pet hates, political or otherwise, on programmes such as *Have I Got News for You*. A BBC in-house solicitor explains: "The programme is recorded only a day before broadcast and the legal team sees only Angus Deayton's script — what there is of it — a few hours before that. We may have a chance to consider the framework and analyse one or two potential problems but the impromptu responses from guests are the best part of the show. At the end of the recording session, the lawyer in the studio examines the programme to ensure that nothing disastrous is broadcast. Ian Hislop and Paul Merton are pretty experienced. They add the odd 'allegedly' and emphasise the humour. In context, it was not defamatory to replace would-be guest Roy Hattersley MP with a tub of lard when he dropped out of the show."

The BBC lawyers have to call for only a few cuts (allegedly) and the producers sew everything together again so flawlessly that there is still the feel of a live show.

The lawyers are often involved in programmes right from the start. BBC lawyers deal with the contracts of presenters such as the footballer Gary Lineker and the Radio 1 DJ Chris Evans, and ensure that the terms are satisfactory to all sides. Informal agreements will not do: as Sam Goldwyn

allegedly said: "An oral contract is not worth the paper it is written on."

The BBC has a big in-house litigation department and can cope with huge libel actions, ranging from that brought by the American pharmaceutical company Upjohn against *Panorama*, to rather less expensive problems such as a BBC apology to Paul McKenna after Terry Wogan suggested on radio that the hypnotist might use snogging during his act.

Spiriting Image creates fewer problems than viewers might expect, given the ferocity of the later demolition of egos and reputations. Though royalty and politicians are ever more willing to go to court, there is little they can do when subject to lampooning. It would be

difficult to argue that the *Spiriting Image* producers are malicious — they have a go at everyone. And for many, publicity is better than anonymity.

For television news lawyers, the most pressing problem is less often libel than the risk of prejudicing a trial and falling foul of the contempt laws. Perusing the script is usually not enough. Much depends on the images that go with the words. Recruits are told of an apparently innocuous report that went disastrously wrong when, during an item on corruption, library film of a factory with its name boldly visible appeared on screen.

For the television lawyer, breaking stories cause the most problems because decisions have to be reassessed as every piece of the news jigsaw reaches the studio, often within minutes of going on air. Newscasters such as Julia Somerville or Trevor McDonald demonstrate their cool when their scripts on the autocue are changed seconds before the cameras start. A news item can change dramatically between the early evening slot and the *News at Ten*, but one person never seen on Channel 4's *Drop the Dead Donkey* is the suited lawyer guiding the editor through the minefield of libel and reporting restrictions.

Christopher Winder, a television news lawyer, says: "Part of the fun is the fact that you usually know almost nothing in advance of the news item you are asked to approve, coupled with on-air deadlines and the impossibility of obtaining some balancing quotations. Television news has to err on the side of caution because, with a huge audience, and the added impact of colour film, a mistake can draw a correspondingly large penalty. TV news reports and the teams that produce them have a reputation for accuracy and fairness. Tabloid excesses tend to be avoided."

But the lawyer is not always involved in last-minute decision-making. Unlike newspapers, which have to replenish themselves on a daily basis with stories and investigations, there can be the luxury of time to prepare or rebut. Gill Johnson, a London Weekend Television lawyer, explains: "The legal department deals with all kinds of contracts, from choreographers (*The South Bank Show*) to stuntmen (*London's Burning*) to would-be 'gladiators'."

A programme such as *Gladiators* involves hundreds of different contracts. We license the format from the US owners, Samuel Goldwyn, and we have to deal with all the UK aspects, including application forms from competitors, contracts for gladiators such as Wolf and Ice and the presenters, insurance, the venue and production staff. I also look closely at merchandising. There are product licences for about 50 spin-offs from the show, from toothbrushes to *Gladiators* pasta shapes."

For the time being, however, the media lawyer remains behind the scenes. Allegedly.

The author is a media solicitor with Biddle & Co



John Thaw as Kavanagh QC, and ITN's Trevor McDonald, coping with late legal changes

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The successful candidate will possess the technical legal ability, maturity and interpersonal skills to deal with a wide range of legal issues and a diversity of commercial contexts.

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For the right person, this position represents an outstanding opportunity to participate at a senior management level in the growth and diversification of a cutting edge business.

All enquiries should be directed to Corporate Counsel, US WEST International, Inc., 7th Floor, Lansdowne House, Berkeley Square, London W1X 6HJ and will, of course, be in strictest confidence.



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CHAMBERS

First Impressions

It is not unusual to meet candidates who have been forced into the job market by the incessant needling of a relatively junior colleague. They originally joined what had appeared to be a sane and business-like organisation, but discovered after a few months that their predecessor - and the predecessor's predecessor - had resigned because they could not stand the aggravation. Having made this discovery, they struggle on, being as polite as possible, surprised that such an unpleasant member of staff is tolerated. Eventually, the truth dawns: this hostile junior assistant is protected by a close, long-standing relationship with one of the senior partners. Such relationships, it seems, can encourage animosity towards newcomers occupying a more senior position. The prudent course for the newcomer, no doubt, is to cultivate the junior assistant's good will. If this is beyond all human endurance, however, there may be no alternative but to leave.

There are many scenarios to similar effect, when unsuspecting candidates, not looking for signs of conflict, take the friendly, welcoming interview to represent the true nature of the firm. What can candidates do to discover the reality behind the first impressions? One approach is to ask how long the previous job-holder lasted, and why they left. If a series of people held the job in quick succession, the message is clear. Another approach is to meet your future colleagues for a drink. Clearly, allowances need to be made for the usual disgruntled gossip, but then if your future colleagues are too disgruntled perhaps the firm is best avoided anyway.

Michael Chambers

INDUSTRY & BANKING *Sonya Rayner*

Commercial Lawyers: Midlands
International corporate lawyer with at least 7 yrs' experience including project finance to join major PLC as a senior member of its established legal department. Experience of working overseas preferred.

Commercial Lawyers: City
Sole with 2-4 years' general commercial experience in industry to join small legal department of international organisation. Must have sound business acumen, be computer-literate and a team-player.

Litigation Executives: South East
Experienced legal executive to run high-volume debt collection department of well-known international manufacturing company. Previous management experience and computer literacy desirable.

Legal Assistants: South East
Newly or recently qualified solicitor with sound academic background to join legal dept of well-known international high-tech co. Must enjoy being part of a fast-moving environment and have good business sense.

Sole Lawyers: London
First time appointment for solicitor with 2-5 yrs' corporate experience to join manufacturing company. Must have sound intellectual property experience and enjoy high-pressure environment. Languages a plus.

Legal Assistants: London
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We have been assisting partners seeking a career move for over 20 years now and are regularly placing several partners each month.

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Partner sought by medium-sized firm to jointly run commercial section of litigation dept. Broad range of clients - mainly Q&D work. Following of c. £150K.

Partnership Prospects: City
Two thriving City practices seek 4-6 yrs qual solicitors with good knowledge of PSA Rule Books. Excellent prospects.

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London office of US law firm with strong litigation & corporate departments seeks partner with following to develop property department. Unexploited potential from the firm's US clients.

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City office of flourishing national firm seeks 3-6 yrs qual solicitor for complex trusts and tax work. Long-established private client department.

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Child Care: Cambridge
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Litigation Partners: Sussex
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Personal Tax: Leeds
Excellent opp with leading firm for 2-4 yrs qual personal tax solicitor to act for "high net worth" clients.

Employments: Birmingham
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CHAMBERS & PARTNERS

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Our client is the Leeds office of one of the country's largest commercial law firms. They are currently seeking a litigator with up to four years' high calibre experience to join a cross-disciplinary team operating in the financial arena. Candidates should have excellent tactical skills and a commercial outlook.

The above list represents a small selection of our current instructions. For further information, or for a confidential and informal discussion please contact: Simon Anderson at the above address or by telephone: 0171-353 7007 (24 hrs) or confidential fax: 0171 353 7008

THE TIMES

NATIONAL LAW WEEK

May 22nd - May 28th 1995

This year the Law Society celebrates the 150th anniversary of being granted the Royal Charter and is marking the occasion with a series of activities nationwide.

On Tuesday 23rd May The Times will be publishing a National Law Week Special Report, adjacent to the weekly Law Times and Legal Appointments pages, containing a wide range of top quality editorial features.

The Times is the newspaper most widely read by all legal professionals and on this day we are offering a unique opportunity for Law firms to advertise within this feature.

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Age 24-28

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Jock Counts at Career Plan Ltd., 33 John's Mews, London WC1N 2NS. Tel: 0171-242 5775. Fax: 0171-831 7623.



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- Drafting and negotiation of multi-million pound systems contracts and associated collaborative arrangements.
- Advising management on a wide range of international commercial legal issues.

Applications are invited from lawyers with 2-6 years' commercial experience gained in private practice or industry. Candidates must demonstrate first class technical skills combined with a proactive business approach and the ability to communicate effectively with management and staff at all levels.

This assignment is being handled exclusively by Simon Hankey on behalf of Robert Walters Associates. For further information, in complete confidence, please contact him on 0171-379 3333 (confidential fax 0171-915 8714) or write to him at 25 Bedford Street, London WC2E 9HP.

Initial interviews will be held in both London and the North of England.

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We offer a competitive salary and benefits package. For immediate consideration, please forward your resume with salary history to: Personnel Dept., Box 78-95, 1524G Cloverfield Blvd., Santa Monica, CA 90404, USA, EOE.

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Application forms and further details are available by telephoning Nottingham (0115) 925 4891 extension 4372 or by writing to The Directorate of Management Services, Broxtowe Borough Council, Town Hall, Foster Avenue, Beeston, Nottingham NG9 1AB.

Closing date: Friday 19 May 1995



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To apply, please forward your CV to Mrs Shirley Powell, UK Human Resources Manager, The Walt Disney Company Limited, Kensington Village, Beaumont House, Avonmore Road, London W14 8TS.



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You must be willing and able to undertake a significant advocacy caseload personally.

For an application form and further details, please write to The Personnel Officer, Law & Administrative Services, South House, 30-32 Peckham Road, London SE5 8UB.

The deadline for completed application forms is: 1st post, 12th May 1995.

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We are now looking to recruit an in house lawyer to work on all legal aspects of our business, including programme acquisition licences, development and production contracts, ITC and other regulatory issues and employment matters.

Applicants must be qualified lawyers (probably 2-3 years), preferably with some television experience.

Please send a CV to Gerry Bastable, 15/18 Rathbone Place, London W1P 1DF. The closing date for applications is 5th May.

Nickelodeon UK is an equal opportunity employer and welcomes applications from all sections of the community.

Lancashire begin to lose patience waiting for Wasim

By MICHAEL HENDERSON

WASIM AKRAM, the Lancashire and Pakistan all-rounder, will face a disciplinary hearing unless he appears at Old Trafford in time to play in the Benson and Hedges Cup match against Leicestershire today. Last night, neither the club nor his agent knew where he was.

Lancashire had expected Wasim, 29, to arrive in England last Friday, two days before their opening Benson and Hedges game against Minor Counties at Leek. Jonathan Barnett, the player's London-based agent, said yesterday that Wasim had been given dispensation to miss the match, a suggestion scotched by the club.

Barnett did not know where

Wasim was, understanding only from an unknown and uncertain source at the player's Lahore home that he was "on his way to England". According to Barnett, Wasim was due to arrive at Heathrow on Sunday morning.

It is the second time in a month that Wasim has failed to report in time to carry out his commitments. At the beginning of April, he missed the start of the one-day tournament in Sharjah. Lancashire, who have made him the highest-paid cricketer in England on a contract that expires next year, will demand a full explanation.

Rose Fitzgibbon, the club's cricket secretary, spent the weekend telephoning various

homes in England and Pakistan. Last night, she said: "When we spoke to Jonathan Barnett two weeks ago, he told us Wasim would be arriving on April 21. I am awaiting a call from Barnett to tell me what is happening."

Should Wasim be available today, Lancashire are likely to take a tolerant view. If he is not, then according to Geoff Ogden, the club's cricket chairman, "it is clearly a serious matter".

Wasim has played for Lancashire since 1988, often brilliantly, but his frequent absences through injury and, as happened last year, selection for Pakistan at the end of the English season, have tested the patience of club officials. Lancashire want to tighten up Test and County Cricket Board procedures for signing overseas players to ensure they are available throughout the summer.

"Wasim knows the situation," Ogden said. "He has told us how much he wants to play for Lancashire, but the fact is we don't know where he is." It is inconceivable that Lancashire will dismiss him, but with Pakistan visiting England next summer for three Tests, a parting of the ways in September looks ever more likely.

Mark Taylor, the Australia captain, refused to blame the nine-wicket defeat by West Indies at Port of Spain, Trinidad on Sunday on a pitch that he and Richie Richardson, the West Indies captain, agreed was not suitable for Test cricket. "That didn't decide the winner of the game," Taylor said. "They [West Indies] played the better cricket."

The result, which levelled the series at 1-1, sets the scene for an enthralling final match in Jamaica, which starts on Saturday. Despite having not lost a Test series in 15 years, the West Indies will not be looking to protect that record by playing for a draw.

"We don't believe in that at all," Richardson said. "We play every match to win. We want to win in Jamaica and win convincingly."

Davies bestrides women's game

Patricia Davies reports on another victory for a world No 1 at present in a class of her own

LAURA DAVIES is not the only woman golfer in the world. It just seems like that at the moment because she is in such commanding form, having won yet again, on Sunday, in Georgia.

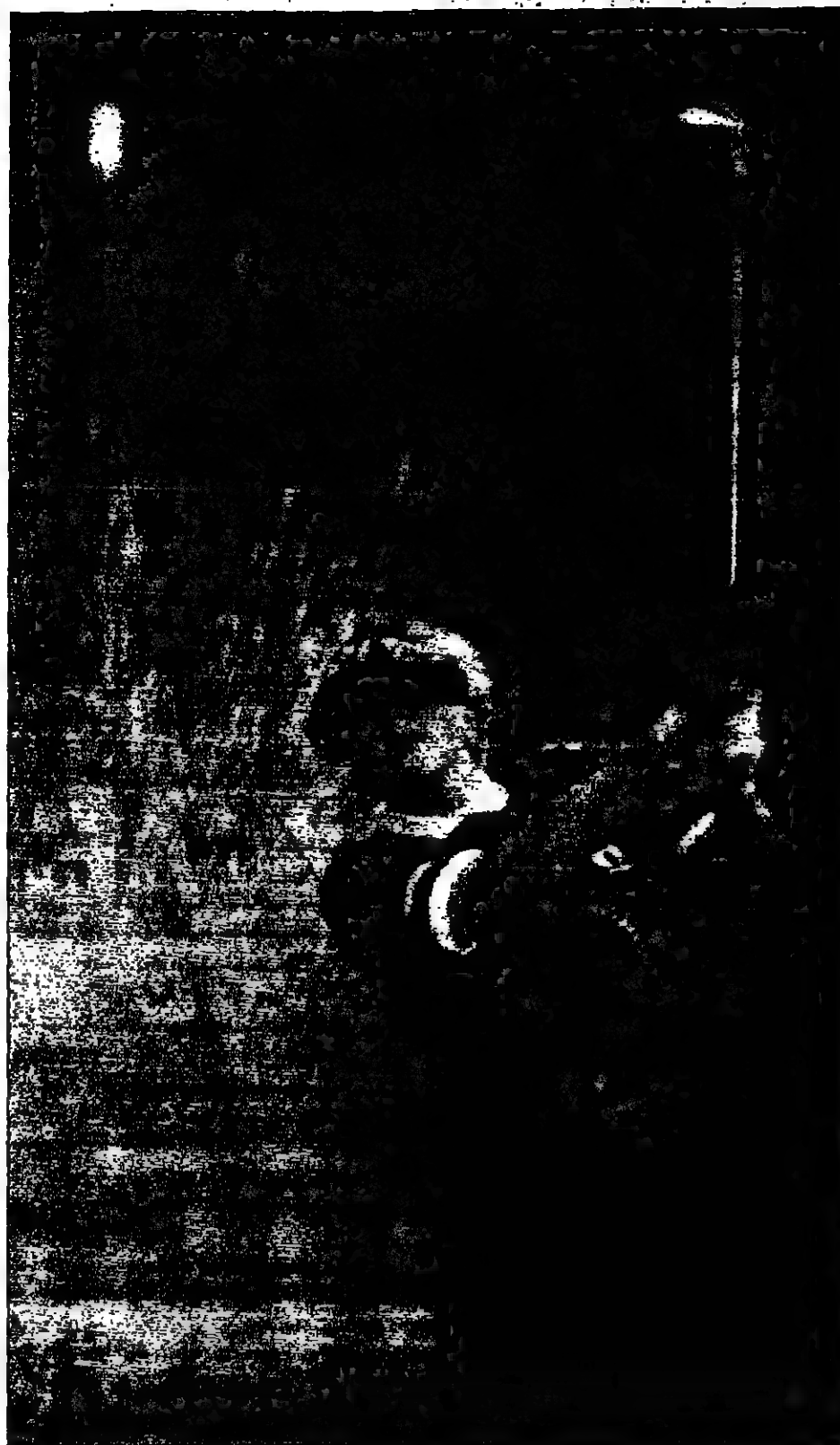
The four-shot victory in the 54-hole Chick-fil-A charity championship at Eagle's Landing Country Club, near Atlanta, confirmed Davies as a bird of rare talent, soaring far above the competition. It was her second win of the season in the United States and she earned \$75,000 (£51,000) in the process to consolidate her position at the top of the money list again with \$282,040 and as the indisputable world No 1.

Three consecutive rounds of 67, five under par, brook little argument although Davies, who had to finish her second round on Sunday morning because of bad weather on Saturday, was only a shot ahead of Dottie Mochrie after 36 holes. However, an eagle at the 3rd hole in the final round and birdies at the 7th, 8th and 9th gave the Englishwoman all the leeway she needed.

"I putted well all week," Davies said. "I made more than my fair share of putts and you don't win unless you can putt because there is such a high standard of golf out here."

Her opponents might be forgiven for thinking that, however high their standard, Davies, like Jack Nicklaus in his pomp, is unbeatable. Kelly Robbins, the American Solheim Cup player who finished a rather distant second after a last round of 66, summed it up. "Laura's tough to beat no matter where we are," she said. "When she gets going, you can't stop her."

At 31, Davies has now won 35 tournaments all over the world, 11 of them in the United States. That total includes her victory in the 1987 US Women's Open, a win that has still to be included in her list of Ladies' Professional Golf Association (LPGA) victories simply because she was not a member of the LPGA at that time. At the rate Davies is winning, that piece of nonsense will have to be rectified, for



Davies chips out of a bunker on the 18th green on her way to victory in Georgia

she is a prime candidate for the LPGA Hall of Fame, despite her protests to the contrary. "I'd have to be playing — and winning — at 50 and I don't really play enough in America."

Davies proposes to play in about 17 events in the United

States this season — she competed in 22 in 1994 — and, for the second successive year, she is giving the opposition a chance to keep her within range by missing the Sprint Championship this week, the richest individual event on the LPGA calendar with a first

prize of \$180,000. Davies, the golfing globetrotter, will be in Japan instead.

Then, on May 18, she will be making her seasonal debut in Britain, at the Ford Classic at Chert Hills in Kent.

Schreyer page 44

England slip to surprise defeat

ENGLAND lost their Commonwealth table tennis title in controversial circumstances when they were unexpectedly beaten 4-3 in the final by Hong Kong in Singapore yesterday (Richard Eaton writes).

England struggled from the opening contest, which Carl Frenn lost 16-21, 21-15, 19-21 to Chuan Kong Wah, the world No 55, and were then rocked by an umpiring incident early in the second game of the deciding contest.

The ball appeared to stick in sweat on the palm of Alan Cooke, who failed to toss the ball up high enough on serve and was faulted by the umpire. The decision infuriated Frenn, his partner, who received a yellow card. Frenn and Cooke then slid to an 18-21, 15-21 defeat at the hands of Chan and Lo Chien Tung.

The England women's team lost 4-1 to Hong Kong, the title holders and No 1 seeds.

Tait misses out

Equestrianism: Blyth Tait, the former world three-day event champion, has withdrawn from the Mitsubishi Motors Badminton horse trials next week because of doubts over the fitness of his horse, Aspyring Delany-MacArthur writes. The New Zealand rider has been running-up at Badminton three times in the past five years.

Rodney Powell has withdrawn Cuno Relief and Terry Boon has also had to pull out of the event.

Eubank returns

Boxing: Chris Eubank will fight Bruno Rene Godoy, the Argentinian champion, in his comeback appearance at the Kings Hall, Belfast on May 27. "Godoy is a typical Argentinian fighter, strong, come-forward with a good chin," Barry Hearn, the promoter, said.

Race cancelled

Cycling: The 110-mile Tour of the Marais, which was to have been held next Sunday, has been cancelled after a decision by Kent police not to authorize its promotion.

Durham seek chance to atone at Edgbaston

By SIMON WILDE

THE repeated success last year of Warwickshire, the Benson and Hedges Cup holders, has left no shortage of rivals eager for revenge. High on the list are Durham, who, when the counties last met on June 6, 1994, were taught a lesson and given a date they — and the cricket world — will never forget.

The words "Brian Lara" and "501" are best spoken only in whispers in the east and not at all within earshot of Phil Bainbridge, whose refusal to set up a run chase in the championship match for fear of what Lara might do, enabled Warwickshire to continue their historic first innings.

Durham return to Edgbaston today with the added incentive that victory would make qualification for the knockout stages extremely difficult for Warwickshire, who lost to Nottinghamshire in their opening fixture on Sunday.

While Warwickshire threw away a winning position at Trent Bridge, Durham showed new depths of re-

sourcefulness in beating Leicestershire at Stockton after having first and stumping to 39 for 6 and 96 for 9. Bainbridge, who has been replaced as captain by Mike Roseberry, is excluded from Durham's party of 13 and Warwickshire have a doubt over Piper, their wicket-keeper, who has a shoulder injury.

Kent and Yorkshire make belated entries to the competition. Kent, for whom Aravinda de Silva makes his debut, are at home to Surrey, who will be without the injured Butcher and have fitness problems with Thorpe and Benjamin.

Yorkshire entertain Worcestershire at Headingley and have Gough, who is fully recovered from the foot injury that ended his tour of Australia. Leathdale plays for Worcestershire in place of Church.

Johnson, who has ankle trouble, may play for Middlesex at Chelmsford, where they have never beaten Essex in four attempts in the competition.

Court of Appeal

Building society entitled to charge

Boscawen and Others v Bajwa and Others (National plc v Boscawen and Others) Before Lord Justice Stuart-Smith, Lord Justice Waite and Lord Justice Millett (Judgment April 10)

Where a building society lent money for the purchase of property with the result that a debt secured by a legal charge on the property was discharged, the building society was subrogated to the rights of the creditor under the charge.

The Court of Appeal held in a reserved judgment in dismissing an appeal by the defendants by counterclaim, Mr Simon John Evelyn Boscawen, Mr Martin David Reed, and Sir Richard Sumner's Settled Estates (a company), from a judgment of Mr Edward Nugee, QC, sitting as deputy judge of the Chancery Division, whereby he declared that the plaintiff by counterclaim, Abbey National plc, was entitled to a charge on the property at 20 Windsor Road, Kent, Richmond, Surrey by way of subrogation to the rights of the Halifax Building Society and in priority to the interests of the defendants.

Mr W. H. Henderson for the

defendants: Mr Richard Salter for the plaintiff.

LORD JUSTICE MILLETT said that at all material times the property was registered in the name of Nari Deep Singh Bajwa. On September 29, 1989 he charged the property to the Halifax, and the charge was duly registered in the charges register of the title.

The defendants were judgment creditors of Mr Bajwa. They obtained a charging order nisi on the property on November 4, 1991 which was made absolute on January 2, 1992. They issued an originating summons on March 31, 1992 against Mr Bajwa and Abbey for enforcement of their charging order.

An order for possession and sale was made and the property was sold. The net proceeds of sale, amounting to £165,311, had been paid into court and the present dispute concerned the rival claims of the defendants and Abbey to the funds in court.

On August 3, 1990 Mr Bajwa had exchanged contracts for the sale of the property for £165,000. The balance of the purchase price payable on completion was £140,000.

The purchasers had obtained an

offer of a mortgage advance from Abbey of £140,000 which was to be secured by a first legal charge on the property. On August 9, 1990 Abbey sent £140,000 by telegraphic transfer to the client account of the purchasers' solicitors, B. Dave and Co. who were acting as solicitors for both the purchasers and Abbey. Dave received the money on terms which obliged them to use it for the completion of the purchase and to return the money if completion did not take place.

On August 16, following discussions between Dave and Hill Lawson, Mr Bajwa's solicitors, Dave gave instructions to their bank for the transmission of £137,405 to Hill Lawson's client account with Barclays Bank. On August 23 Hill Lawson remitted £140,000 from their client account to Halifax's account by telegraphic transfer. In October, B. Dave & Co. ceased to exist and Mr Dave, the sole equity partner, was made the subject of a bankruptcy order.

The judge held that £137,405 of Abbey's money could be traced into the payment to Halifax and was used to discharge Halifax's legal charge. He held that in those circumstances Abbey was entitled to be subrogated to Halifax's legal charge to the extent to which its

money had been used to redeem it and that nothing was left to which the defendants' charging order could attach. Accordingly, he held that Abbey was entitled to the whole of the funds in court.

It was a prerogative of the right to trace in equity that there was a fiduciary relationship which called the equitable jurisdiction into being. See *Agip (Africa) Ltd v Jackson* [1981] Ch 513, 568. That requirement was satisfied in the present case by the fact that from the first moment of its receipt by Dave in their general client account the £140,000 was trust money held in trust for Abbey.

Abbey had not intended to be an unsecured creditor of anyone. It had intended to retain the beneficial interest in its money unless and until that interest was replaced by a first legal mortgage on the property. The factual context in which the money was advanced arose was a novel one which did not appear to have arisen before, but the justice of Abbey's claim could not be denied.

Lord Justice Waite and Lord Justice Stuart-Smith agreed.

Solicitors: Arnold Fooks Chadwick, Shoemith & Harrison, Northampton.

Law Report April 25 1995

Intent need not be proved

Regina v Aworinde Before Lord Justice Hutchison, Mr Justice Tucker and Mr Justice Holland (Judgment March 14)

Bogus forms of insurance certificates, even when uncompleted, could constitute documents so closely resembling genuine insurance certificates as to be calculated to deceive within section 173(1)(c) of the Road Traffic Act 1988.

The Court of Appeal so held in dismissing the appeal of Daniel Adekunle Aworinde against his conviction on July 18, 1994 at Isleworth Crown Court (Judge David Miller and a jury) of, inter alia, possessing a document with intent to deceive, contrary to section 173 of the 1988 Act, on which he was sentenced to 100 hours community service.

Mr Paul Crampin, assigned by the Registrar of Criminal Appeals, for the appellant: Miss Lydia Barnfather for the prosecution.

MR JUSTICE TUCKER said that a pad of blank forms of insurance certificates which purported to be issued by Fleet Motor Policies, numbers 305799 to 305871, but which were bogus had been found by police searching the appellant's flat.

At his trial a submission of no case to answer, made on the basis that the prosecution had to show an intent to deceive and until a form was completed such an intent could not be established, was rejected.

In *R v Pilditch* [1981] KTR 303 it was held that the words "any test certificate" in section 169(2)(b) of the Road Traffic Act 1972 were apt to refer to the printed and serially numbered form even before it was complete. In *R v Davidson* [1972] 1 WLR 1540 the phrase "calculated to deceive" was held to mean likely to deceive.

Doubtless if the bogus forms had been completed they would have been likely to deceive anyone to whom they were produced. But clearly the uncompleted forms might be likely to deceive anyone seeking insurance cover for his or her car.

In that sense forms such as those, albeit uncompleted, could constitute a document covered by section 173(1)(c) of the 1988 Act.

Solicitors: Crown Prosecution Service, Ealing.

In re L (Minors) (Police Investigation: Privilege) Before Sir Thomas Bingham, Master of the Rolls, Lord Justice Swinton Thomas and Lord Justice Morritt (Judgment March 14)

Where, on the application of a police authority, the court in care proceedings ordered the disclosure of a medical expert's report, obtained voluntarily by the mother and filed in the court by her without objection, no breach of her privilege against self-incrimination could arise.

The Court of Appeal so held, dismissing the mother's appeal from Mrs Justice Bracewell who had directed that a consultant's report, regarding the frequency of consumption of methadone by the minor, E, which had been prepared on the mother's initiative for the purposes of care proceedings, be disclosed to the Greater Manchester Police Authority.

In 1993, E, then aged two and a half, was admitted to hospital after consuming a quantity of methadone. On her discharge the local authority instituted care proceedings and removed her and her younger brother from their parents.

The mother obtained leave to disclose the court papers to a medical expert whom she commissioned to prepare a report, which she was ordered to file with the court and which, once filed, became available to all parties by

virtue of rules 4.23 and 10.20 of the Family Proceedings Rules (SI 1991 No 1247).

The police authority applied to be joined as a party in the proceedings so as to obtain disclosure of the report in order to consider whether to prosecute the mother.

Miss Lindsey Kushner, QC and Miss Lesley A. Newton for the mother; Mr David M. Harris, QC and Miss Yvonne Coppel for the police authority.

THE MASTER OF THE ROLLS rejected Miss Kushner's first submission that the court had no jurisdiction to order disclosure because the report was protected by legal professional privilege.

His Lordship questioned whether such a document fell within the scope of the privilege, but on the authority of *Confidential County Council v M* [1994] Fam 151 the court might override that privilege if it thought it right to do so in the interests of the child.

He also rejected Miss Kushner's second submission that the court had no jurisdiction to order disclosure because to do so would infringe the mother's privilege against self-incrimination.

That was a privilege against requiring or compelling a party to incriminate himself. There was nothing to prevent a party incriminating himself by answering a question or producing a document if he was willing to do so.

It was relevant that the mother, entirely voluntarily, initiated the

process which led to the writing of the report: she was not obliged to obtain an expert's report but if she wished to do so and to show him the documents filed with the court then she was obliged to obtain his leave.

But when leave was granted on the condition that the report was filed with the court, she was not obliged to take advantage of the leave granted on those terms, or she could have appealed against them.

The fact was however that she had duly filed it without compulsion and without claiming the privilege. In those circumstances its filing could not be regarded as an infringement of the mother's privilege.

The order that the report be disclosed to the police authority might incriminate her, but it was difficult to see how, at that stage, she was incriminating herself: she was not being required to do anything, whether by answering any question or producing any document.

The court was simply ordering disclosure of a document filed with it by the mother without objection. No breach of her privilege against self-incrimination could be involved.

He would dismiss the appeal. Lord Justice Swinton Thomas delivered a concurring judgment and Lord Justice Morritt agreed.

Solicitors: Green & Co, Manchester; Mr Patrick Mullen, Salford.

Statement amounted to a representation

Moorgate Services Ltd v Kabir Before Lord Justice Staughton, Lord Justice Beldam and Lord Justice Peter Gibson (Judgment March 29)

A statement of fact or opinion or an undertaking as to the future which was capable of inducing a credit agreement amounted to a "representation" within section 67 of the Consumer Credit Act 1974.

The Court of Appeal so held allowing an appeal by the defendant, Humayon Kabir, against the decision of Mr Recorder Bishop on May 18, 1993 at Croydon County Court that he was liable to pay the plaintiffs, Moorgate Services Ltd, £14,673.85 in respect of a credit agreement. The judge had held that the agreement was not a cancellable agreement within section 67.

Section 67 of the 1974 Act provides: "A regulated agreement may be cancelled by the debtor... if the antecedent negotiations included oral representations made when in the presence of the debtor..."

Section 189 provides: "(1) ... 'representation' includes any condition or warranty, and any other statement or undertaking..."

Mr Jonathan Katon for the

Moorgate Services Ltd.

LORD JUSTICE STAUGHTON said that the company had not given the borrower notice of its right to cancel the agreement, which was signed at the borrower's premises. Therefore, if it was a cancellable agreement within section 67, the agreement had not been properly executed. The court had no power to enforce the agreement if the requirement of notice of cancellation had not been complied with.

The question was whether oral representations had been made to the borrower. The definition in section 189 at first sight appeared to mean that any statement was a "representation". His Lordship readily accepted that the apparent width of the definition could not have been what Parliament intended.

The borrowers accepted that a representation must at least relate to the agreement or the goods or the transaction but they went no further than that. The company argued that a representation had to be one that induced the borrower to enter the transaction or was at least capable of inducing the borrower to enter the transaction.

The solution that His Lordship would adopt was somewhat between those two extremes. The statement must be one of fact or opinion or an undertaking as to the future which was capable of induc-

ing the proposed borrower to enter the agreement.

It need not be shown that it did induce him to enter the agreement and the court need not inquire into the particular circumstances to see whether the particular borrower would have been likely to be so induced. Nor need it be shown that the statement was intended to induce the agreement.

It was sufficient if there was a statement which by its nature was capable of inducing an agreement. That seemed to be a sensible limit

which Parliament must have intended to imply into the definition. Having considered the evidence His Lordship concluded that representations within section 67 had been made to the borrower and therefore it was a cancellable agreement. It followed that the agreement was not enforceable.

Lord Justice Beldam gave a concurring judgment and Lord Justice Peter Gibson agreed.

Solicitors: Morgan Edwards & Kay, Thornton Heath; Paul K. Pitts, Croydon.

Landlord cannot sue successor

Wharfedale Ltd v South London Co-operative Building Society Ltd

Where a tenant assigned the tenancy to another person leaving unpaid arrears of rent the landlord could not recover that rent by levying distress against the new tenant.

Mr John Crowley, QC, sitting as deputy judge of the Queen's Bench Division, so held on February 6, when dismissing the appeal of South London Co-operative Building Society Ltd against the finding of Master Turner on October 10, 1994 that they had

wrongly distrained against the property of Wharfedale Ltd for the arrears of rent of the previous lessee.

HIS LORDSHIP said he was satisfied that if a landlord was not entitled to distrain in respect of the goods of a stranger brought on to the demised premises with his consent it seemed equally clear that he was not entitled to consent to an assignment of the lease, allow the assignee to enter lawfully into possession of the demised premises and then seek to distrain on that assignee's goods for pre-existing arrears of rent.

Year of taxation of employee's deferred bonus

Griffin (Inspector of Taxes) v Standish Before Sir John Vinelott (Judgment April 7)

A bonus awarded to an employee by his employer, the payment of which was deferred, was to be treated for Schedule E income tax purposes as paid during the year of assessment to which it related.

Sir John Vinelott, sitting as a judge of the Chancery Division, so held allowing an appeal by the Crown from a determination of Bethnal Green general commissioners that £85,000 paid to the taxpayer, Mr Mark Allan Standish, on or after April 14, 1988, should be treated as his income for 1988-89.

Mr Laurence Henderson for the Crown; Mr David Ewart for the taxpayer.

HIS LORDSHIP said that the

appeal related to a bonus received by the taxpayer on April 14, 1988 but which was a deferred payment that his employers had resolved to pay in January 1988. A letter to the taxpayer dated January 12, 1988, had contained an invitation to the taxpayer to agree to defer his receipt of the bonus.

The Crown contended for inclusion of the bonus in the taxpayer's income for the years 1986-87 and 1987-88 when the top rate of tax was 60 per cent. The rate was reduced to 40 per cent for 1988-89.

The commissioners, concluding that the taxpayer had had no entitlement to the bonus until April 14, 1988 and that the bonus was properly assessable for 1988-89, had failed to answer the only issue in the case: whether the bonus was paid to the taxpayer for the calendar year 1987.

In *Emp v East* [1989] 1 WLR 167, 177 Lord Oliver of Aylmer had said that "the period to which any given payment is to be attributed is a question to be determined as one of fact in each case, depending upon all the circumstances, including its source and the intention of the payer so far as it can be gathered either from direct evidence or from surrounding circumstances."

The only indication of the period for which the bonus was paid was unequivocally stated in the employers' letter to the taxpayer. It was naive to believe that by the device of deferring payment the bonus declared and resolved to be paid could be made to be taxable in a subsequent year.

Solicitors: Solicitor of inland Revenue; Castle & Co, Hursley, Wiltshire.

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ALAN LEWIS

Pick your Fantasy First XI and win £10,000

THE cricket season is under way and only two days are left if you want to demonstrate that you could give Raymond Illingworth and the England selectors a run for their money. You could win £10,000, the top prize for the overall winner, or our weekly prize of £250. Each week we will publish the leading 100 entries.

In association with Company Barclaycard, the United Kingdom's leading corporate charge card, we have renewed our exclusive arrangement with the Test and County Cricket Board to present The Times Fantasy First XI. The great strengths of last year's game, First Class XI, have

been preserved. It is up to you to select the team you think will sweep the board. Every first-class run your players score and every first-class wicket they take will count towards your total. There are no artificial additives, no handicaps, no ratings, no transfer fees, just a test of your selection skills and your eye for first-class talent.

But we have introduced some big improvements. We have simplified the rules and introduced the chance to change your team during the season.

We have added the West Indies touring party to our list of overseas players, making the likes of Brian Lara, Jimmy

Adams, Courtney Walsh and Curtly Ambrose available for selection. We have dispensed with the captains' category and replaced the reserve system with a transfer season.

Starting on May 4, we will carry the full list of players' first-class scores and the names of the top 100 entries every Thursday, but, for the first time, we are also providing a Fantasy First XI hotline, so you can check your team's progress when it suits you.

This year, there is a new service designed to enable groups of players at home or at work to measure their selection skills against each other by forming a mini-league. You will also be able to

Our new, improved cricket game offers you the chance to put your selection skills to the test but hurry — time is running out

enter an office team and try to win the Company Barclaycard TeamLeague. Full details are published below.

The rules are simple:
1) Select five batsmen.
2) Select one all-rounder.
3) Select one wicketkeeper.
4) Select four bowlers.
5) Your Fantasy First XI must include one (and no more than one) overseas player.
6) Your Fantasy First XI must include one (and no more than one) rising star.

All players must be selected according to the categories published here (for example a player such as Graeme Hick, listed here as an all-rounder, may only be selected as an all-rounder, not as a batsman; Phillip DeFreitas is listed here as an all-rounder — he may not be selected as a bowler). There will be a seven-day transfer season (July 12-18, when no first-class cricket is due to be played), during which you will be able to

change up to four members of your team, although your final XI must still conform to the six rules above. You do not have to change your team at all, but, if you choose to, you will receive the points scored by your original selection up to July 12 and those scored by the revised selection from the moment first-class play resumes on July 18.

Apart from these transfers, no changes will be allowed. No substitutions can be made, so it is worth bearing in mind the injury records of the players available. If a player is not playing first-class cricket, then he is not scoring in the Fantasy First XI.

Scoring: you score according

to the performance of your players. For every run each of your XI scores, you will receive one point. For each wicket they take, you will receive 20 points. For each dismissal (catch or stumping) your wicketkeeper makes, you will receive 20 points. Catches taken by other fielders will not count. The object of the game is to select the team which will score the most points in the course of the season.

In the event of a tie, the scores of the rising star will be decisive. If another tie-break is necessary, its form will be decided by The Times Fantasy First XI panel.

Features: The Times Fantasy First XI season runs from

April 13 until September 18 but the deadline for telephone entries is noon, April 27. Postal entries must be received by the same date. Only first-class matches, as designated by the Test and County Cricket Board, throughout the season (including those played before the closing date for entries to this competition) will count. One-day games do not count.

As last year, you can enter by phone or by post. Phone calls will be charged at 39p per minute (cheap rates, 49p per minute at other times). Please note that postal entries must be accompanied by a fee of £2.50, and cheques should be made payable to The Times Fantasy First XI.

Glamorous options are not the route to certain success

By ALAN LEE, CRICKET CORRESPONDENT

TO SIT down with pen, blank teamsheet and the 1995 fixture list is to be tempted down dangerous paths. Paradoxically, success at Fantasy First XI cricket does not necessarily involve the players of glamour and profile and simply to select the best-11 players in action this summer can be a great mistake.

I have not included any of the West Indian touring team in my selection because their energies and attentions will be channelled too much towards the Test series. Curtly Ambrose and Courtney Walsh will not often be seen at full throttle against the counties. Brian Lara was harder to resist, but even he will need nursing through the tour.

Similarly, likely regulars in the England party can prove poor selections for the fantasy game. Michael Atherton had a prolific time in Test cricket last year but his county form was dire. Alec Stewart, too, made barely 500 runs for Surrey. The charisma of Darren Gough will turn many heads, and his ability may win Test matches, but I still believe him worth overlooking, given the rules of this competition.

Chris Cairns and Wasim Akram are obvious contenders for the overseas player spot but both have suffered from recent injuries and caution could be prudent. The under-19 series against South Africa in July and August is a disincentive where several players are concerned and Marcus Trescothick, the Somerset opener, might otherwise have featured in my side.

Instead, I am happy to include his first-wicket partner, Mark Lathwell. Eye-

brows will be raised because many have prematurely written off the introspective Lathwell, who was chosen for England before he was temperamentally ready. The expectations were too high and the disillusionment that set in threatened to sour him completely.

All at Taunton, however, believe that a winter's rest has been beneficial and, as he possesses more natural attacking talent than almost anyone in the country, he could have a productive county season. As his partner, there can be no easier selection than Graham Gooch. His England career is



over but his appetite is undimmed and 2,000 championship runs will be his aim.

Essex also provide my No 3 and overseas player. Mark Waugh will miss a couple of championship games while he completes Australia's series in the Caribbean but his enthusiasm for a return to Chelmsford was obvious and his quality is not in question. He may also be required to bowl rather more this season and his talents in this direction.

Taking 20 or 25 wickets, when classified as a batsman, can be a significant bonus in Fantasy First XI and another

who is capable of this is Roger Twose, of Warwickshire. His future allegiance is pledged to New Zealand but he is a cricketer approaching his peak and could have even more impact on this county season than he did on the last.

My final specialist batsman is Robin Smith. Chastened by his omission from England's winter tour, he has vowed to reclaim his Test place this summer, a mission that should restore the focus that his batting had mislaid. Hampshire will benefit at first and it is easy to see Smith making an impressive case for selection against West Indies.

Fitness permitting — and the word on his back condition is encouraging — there is no reason why Graeme Hick will not start the Test series but this has never, in the past, stopped him from producing his best for Worcestershire. He is my all-rounder, partly in the hope that his county captain, Tim Curtis, will make more use of his off breaks.

Hick's county colleague, Steve Rhodes, lost his confidence in Australia and cannot be given the wicketkeeping job with any confidence. Jack Russell and Steve Marsh, who will both make upwards of 700 runs as well as taking their quota of catches, both merit consideration but the choice is Paul Nixon, who impressed on the England A tour and would win a place in the Leicestershire side on his batting alone.

Andrew Caddick leads my attack — like Lathwell, a forgotten man from Somerset and all the hunger for it. Fit again, after the shin injury that discounted him from a tour, he is a high-class seam bowler in English conditions. Alongside him will be Glen Chapple, of Lancashire, an obvious candidate for international honours after an outstanding A tour.

Ian Salisbury has suffered all manner of setbacks but he remains a potential match-winner and has not yet fulfilled his potential. He can also bat, so becomes my specialist spin bowler. Finally, from the rising stars category, I include Chris Silverwood, who should have plenty of opportunities in the Yorkshire seam attack, especially in the prolonged absences of Gough.

ALAN LEE'S TEAM

Batsmen	
036	G A Gooch (Essex)
056	M N Lathwell (Somerset)
115	M E Waugh (Essex, overseas player)
099	R A Smith (Hampshire)
109	R G Twose (Warwickshire)
All-rounder	
138	G A Hick (Worcestershire)
Wicketkeeper	
177	P A Nixon (Leicestershire)
Bowlers	
204	A R Caddick (Somerset)
005	G Chapple (Lancashire)
265	J C E W Silverwood (Yorkshire, rising star)
263	I D K Salisbury (Somerset)

FULL LIST OF FANTASY FIRST XI PLAYERS

Batsmen (001-123)			
Pick five players from this category			
001	C J Adams (Derbyshire)	058	D A Leatherdale (Worcestershire)
002	J C Adams (West Indies)	059	N J Latham (Sussex)
003	G A Anderson (Hampshire)	060	J B Lewis (Essex)
004	K T Atherton (West Indies)	061	N J Long (Kent)
005	Aldrin (Northamptonshire)	062	G D Lloyd (Lancashire)
006	M A Atherton (Lancashire)	063	J Langley (Durham)
007	P W Atkinson (Sussex)	064	M B Love (Northamptonshire)
008	R A Bailey (Northamptonshire)	065	M A Lynch (Gloucestershire)
009	N A Barnett (Derbyshire)	066	G I Macdonald (Oxford Univ and Lancashire)
010	M R Benson (Kent)	067	M P Maynard (Gloucestershire)
011	M G Bevan (Yorkshire)	068	A Medhurst (Yorkshire)
012	D J Blackwell (Somerset)	069	C McCullum (Durham)
013	J B Blythe (Lancashire)	070	A Miles (Worcestershire)
014	P D Bowler (Somerset)	071	R R Montagu (Gloucestershire)
015	N E Briers (Leicestershire)	072	T M Moody (Worcestershire)
016	A Brown (Sussex)	073	J A Morris (Gloucestershire)
017	D Buss (Yorkshire)	074	E Morris (Gloucestershire)
018	S J Campbell (West Indies)	075	R S Munn (Hampshire)
019	J C Carr (Worcestershire)	076	M D Norton (Yorkshire)
020	S Chandrasekhar (West Indies)	077	N J Nott (Leicestershire)
021	T D Church (Northamptonshire)	078	J D O'Garra (Derbyshire)
022	P A Cooney (Sussex)	079	P O'Shea (Worcestershire)
023	G R Conway (Kent)	080	R P O'Shea (Worcestershire)
024	G R Conway (Kent)	081	R P O'Shea (Worcestershire)
025	W J Giffen (Leicestershire)	082	C Pooley (Middlesex)
026	J G Giffen (Leicestershire)	083	P J Richards (Essex)
027	T G Giffen (Leicestershire)	084	M R Rampton (Gloucestershire)
028	T G Giffen (Leicestershire)	085	A Rastall (Northamptonshire)
029	T G Giffen (Leicestershire)	086	D Ratcliffe (Sussex)
030	T G Giffen (Leicestershire)	087	B Richardson (West Indies)
031	T G Giffen (Leicestershire)	088	D J Richardson (Somerset)
032	T G Giffen (Leicestershire)	089	P Robinson (Leicestershire)
033	T G Giffen (Leicestershire)	090	R D Robinson (Leicestershire)
034	T G Giffen (Leicestershire)	091	A S Rolt (Derbyshire)
035	T G Giffen (Leicestershire)	092	M A Roseberry (Durham)
036	T G Giffen (Leicestershire)	093	D Sales (Northamptonshire)
037	T G Giffen (Leicestershire)	094	M Saseby (Durham)
038	T G Giffen (Leicestershire)	095	N Sharn (Sussex)
039	T G Giffen (Leicestershire)	096	A Singh (Northamptonshire)
040	T G Giffen (Leicestershire)	097	P Smith (Leicestershire)
041	T G Giffen (Leicestershire)	098	A Smith (Hampshire)
042	T G Giffen (Leicestershire)	099	J Spink (Lancashire)
043	T G Giffen (Leicestershire)	100	M P Spinks (Sussex)
044	T G Giffen (Leicestershire)	101	A Stewart (Sussex)
045	T G Giffen (Leicestershire)	102	A Symonds (Gloucestershire)
046	T G Giffen (Leicestershire)	103	N R Taylor (Kent)
047	T G Giffen (Leicestershire)	104	P Terry (Hampshire)
048	T G Giffen (Leicestershire)	105	G Thrippa (Sussex)
049	T G Giffen (Leicestershire)	106	P Thorne (Lancashire)
050	T G Giffen (Leicestershire)	107	M F Tresselt (Somerset)
051	T G Giffen (Leicestershire)	108	G Tresselt (Somerset)
052	T G Giffen (Leicestershire)	109	M P Vaughan (Yorkshire)
053	T G Giffen (Leicestershire)	110	N J Walker (Kent)
054	T G Giffen (Leicestershire)	111	D M Ward (Kent)
055	T G Giffen (Leicestershire)	112	F Ward (Kent)
056	T G Giffen (Leicestershire)	113	R Warren (Northamptonshire)
057	T G Giffen (Leicestershire)	114	M E Waugh (Essex)
058	T G Giffen (Leicestershire)	115	P Watts (Gloucestershire)
059	T G Giffen (Leicestershire)	116	W P C Weston (Worcestershire)
060	T G Giffen (Leicestershire)	117	
061	T G Giffen (Leicestershire)	118	G W White (Hampshire)
062	T G Giffen (Leicestershire)	119	J J Whittaker (Leicestershire)
063	T G Giffen (Leicestershire)	120	P Wilson (Hampshire)
064	T G Giffen (Leicestershire)	121	S Williams (West Indies)
065	T G Giffen (Leicestershire)	122	M G N Windward (Gloucestershire)
066	T G Giffen (Leicestershire)	123	A J Wright (Gloucestershire)
067	T G Giffen (Leicestershire)	124	
068	T G Giffen (Leicestershire)	125	
069	T G Giffen (Leicestershire)	126	
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Australians angry at outburst by Campese

By DAVID HANDS, RUGBY CORRESPONDENT

THERE are times when Australians believe David Campese is the finest rugby player in the world. There are times when they wish he would just keep his mouth shut. Throughout a long, and mostly distinguished career, Campese has taken mischievous delight in wounding opponents, so it is no surprise when he does it to his own.

That his remarks over the weekend concerning the fitness or otherwise of Tim Horan to play in the World Cup next month have drawn down the wrath of both chairman of selectors and coach matter not a jot. Campese will play in the international against Argentina in Brisbane on Sunday and he will shrug his shoulders if the Ballymore faithful give him the bird for implied criticism of one of Queensland's favourite sons.

As with so many of Campese's *bon mots* there is more than a grain of truth involved, so when he says he believes it would be wrong to take Horan to the World Cup, he is only suggesting that after a year away from the game his colleague may not be ready for the most demanding tournament rugby can offer. Horan wrecked his knee last May, but after intensive physiotherapy, has now played a succession of club games and last night appeared for Queensland B against the touring Argentines.

"Totally irresponsible," Paul McLean, chairman of the national selectors, said. "A loose wire from Campese's brain to his mouth," Bob Dwyer, the coach, sighed. "I'm thinking of getting a fire hose to dampen the controversies."

Michael Lynagh, Australia's captain whose biography, published yesterday, details some of the slanging matches in which Campese has been involved, said:

It is all part of Campese's erratic genius: he offended Englishmen before the 1991 World Cup final, South Africans when that country returned to competition in 1992 and, not for the first time, angered his fellow countrymen with a speech at a lunch engagement in Melbourne. "Maybe he should choose his words a little more carefully," Dwyer said but if he did, he would not be David Campese.

Australia's first international side of the year includes Troy Coker, late of Harlequins, at flanker but finds no place for one of the most durable props in the game, Tony Daly, who scored the only try of the 1991 World Cup final, Coker plays ahead of Willie O'Flaherty and Dan Crowley, the Brisbane policeman, is preferred to Daly, who has appeared in 39 internationals and is part of the most celebrated front-row unit in the game's history along with Phil Kearns and Ewen McKenzie.

Australia's World Cup party is due to be named next Monday and there will be a further international with Argentina - in Sydney on May 6 - before departure for the defence of the World Cup. Whether Australia's management choose to discipline Campese or not, he will be on the flight.

ATLANTA (AP) - In Argentina: M. P. D. Smith, D. Hand, J. D. Campese, M. Lynagh, G. Dwyer, P. McLean, P. Kearns, E. McKenzie, T. Coker, R. Dwyer, J. Eales, D. Wilson, T. Glynn.

Green revolution sets Mullett's mind racing

Andrew Longmore on a shepherd seeking pastures new at world speedway's summit

Picture two scenes. The first pastoral, peaceful and untroubled; the second urban, deafening, fast and dangerous. Different ages, different gods, the two halves of the unique double life of Dave Mullett.

During the summer, Mullett is a speedway rider, a former captain of Reading and an England international; in winter, he is a shepherd, tending two flocks - his own and a neighbour's - deep in the heart of the Kent countryside. In springtime, he commutes between extremes, taking his lambs to market at dawn, racing round dirt tracks by the Reading refuse tip at sundown. Only in the fading letters of a name on a rusty fuel can, which Mullett uses every morning on the farm, does the uncomfortable reality of his sport intrude. The can belonged to Per Jonsson, world champion five years ago, a cant-mate and a good friend of Mullett's, who is now permanently paralysed, unable to push his own wheelchair after a crash at a meeting in Poland last season.

Mullett visited Jonsson back in his home country during the winter and was shocked by the Swede's condition. "He was just lying there, unable to do anything. And the fact it was Per made it so much stranger. He was such a brilliant rider, he never fell. Maybe once or twice in four years," Mullett has thought of giving up many times since, but his team did give up, dropping from the top three to the bottom two in the months after their leader's accident. "It knocked the stuffing out of us all," a season to forget.

Yet a winter in the fields to reflect, a changing season, 150 lambs to deliver and four



Mullett, an England international rider, leans towards the quiet of the Kent countryside when away from the track

months off the bike has renewed Mullett's enthusiasm, and with the formation of a 21-team Premier League - from the old first and second divisions - and a new television deal, there are at least some outward signs that speedway is searching for a revival as well. Mullett believes the changes will mean less competitive racing in the short term, which is fine by him, but considerably more

inches on the clock for himself, Sean, his faithful mechanic, and Fred, his driver. Less time for his sheep, too.

"During the season my racing comes first," he said. "It's my living because I don't take a wage from the farm. When I'm riding I forget all about my sheep, but if I have a bad meeting, I can come down here, walk through the fields, smell the flowers and everything's all right with the



world again." Flowers, fields, nature. Terrifically unmanly things for a leather-and-oil merchant. On rough nights in King's Lynn or Coventry, Mullett's shepherding becomes easy prey for the food-motivated. "I get terrible about food. Unnecessary really, but I suppose I have to put up with it."

His team-mates are more tolerant, but come no closer to understanding why one of

their best riders should want to tend sheep and fly in Kent, of all places. He has given up trying to explain. "How could I leave things? I wouldn't give this up for anything." Anything? Well, a world title, maybe.

His chance of that ultimate glory has probably gone now though he is only 29 and still Sunday competes in the British

fish finals, the first step on the long road to the world individual title. Shepherding has been a distraction, he admitted, stopping him from developing the single-mindedness required of a champion. Last winter he had an offer to race in South Africa for six weeks, but turned it down because of his commitments on the farm. Besides, Mullett, for all his thick-set frame and square-jawed complexion, seems too gentle for such a push-and-shove sport. The appearance is deceptive.

Mullett began riding bikes at the age of eight, becoming national grass-track champion before taking up speedway with his local club, Canterbury. When, folded, he was transferred to Reading for £8,700, roughly the price of 60 good ewes in

today's market. In his spare time, he worked on a pig farm but, though he loved animals in general, he hated pigs. So, in partnership with his brother-in-law, also a shepherd, he started his own flock. From 20, the flock has grown to more than 100 and Mullett has grown with them, talking as knowledgeably now about the breeding habits of Friesian Dorsets as he does about racing. When he retires from riding, he has something to go back to.

Indeed, ask him about his greatest triumph in life and he will tell you about the second prize he won with one of his Friesian Dorsets at the local Canterbury show last year. "Five pounds we got, about enough for a pint or two. But you know, that gave me as much pleasure as winning any race." Except perhaps that year's title.

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AMERICAN FOOTBALL

WORLD LEAGUE: London Warriors 10 Amsterdam Admirals 17.

ATHLETICS

ROTTERDAM MARATHON: Men: 1, M. P. Smith, 2:10:24; 2, J. Garcia (Ned), 2:15:50; 3, J. Garcia (Ned), 2:15:50; 4, J. Garcia (Ned), 2:15:50; 5, J. Garcia (Ned), 2:15:50; 6, J. Garcia (Ned), 2:15:50; 7, J. Garcia (Ned), 2:15:50; 8, J. Garcia (Ned), 2:15:50; 9, J. Garcia (Ned), 2:15:50; 10, J. Garcia (Ned), 2:15:50.

VIENNA MARATHON: Men: 1, P. Smith, 2:15:50; 2, J. Garcia (Ned), 2:15:50; 3, J. Garcia (Ned), 2:15:50; 4, J. Garcia (Ned), 2:15:50; 5, J. Garcia (Ned), 2:15:50; 6, J. Garcia (Ned), 2:15:50; 7, J. Garcia (Ned), 2:15:50; 8, J. Garcia (Ned), 2:15:50; 9, J. Garcia (Ned), 2:15:50; 10, J. Garcia (Ned), 2:15:50.

BATTERSEA PARK: Football: Canterbury 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

OWESTRY: British Veterans road running championships (10 miles): 1, M. P. Smith, 2:15:50; 2, J. Garcia (Ned), 2:15:50; 3, J. Garcia (Ned), 2:15:50; 4, J. Garcia (Ned), 2:15:50; 5, J. Garcia (Ned), 2:15:50; 6, J. Garcia (Ned), 2:15:50; 7, J. Garcia (Ned), 2:15:50; 8, J. Garcia (Ned), 2:15:50; 9, J. Garcia (Ned), 2:15:50; 10, J. Garcia (Ned), 2:15:50.

BASKETBALL

NATIONAL ASSOCIATION (NBA): Saturday, Chicago 116 Charlotte 102; Denver 101 Golden State 129 (OT); Portland 121 LA Lakers 104; Sunday, Washington 108 Philadelphia 90; New York 113 Orlando 97; Milwaukee 104 Chicago 102; Charlotte 97 Cleveland 72; Indiana 103 Atlanta 97; San Antonio 97 Memphis 91; Phoenix 105 Seattle 100; New Jersey 102 Boston 99; Miami 129 Detroit 102; LA Clippers 124 Houston 102; Utah 104 Houston 102; Sacramento 83; Portland 116 Golden State 83.

FOOTBALL

WOMEN'S LEAGUE CUP: Final: Wimbledon 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

WOMEN'S LEAGUE CUP: Final: Wimbledon 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

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Imola, scene of tragedy last year, prepares for the San Marino Grand Prix

Ferrari strives for winning formula



Rob Hughes speaks to Luca di Montezemolo, charged with revitalising the legendary marque

In less than 48 hours, the roar of Formula One cars will return to Imola, the Italian track which a year ago took the lives of Ayrton Senna and Roland Ratzenberger. The drivers, and their machines, will begin practice on Thursday, an extra day's rehearsal to get accustomed to modifications, notably the Tamborello corner where Senna was killed and where a chicane has reduced the speed from 185mph to around 105mph. Watching, feeling the weight of history and the challenge of the future will be Luca di Montezemolo, president of Ferrari, a man who at one time was the young assistant to Enzo Ferrari himself.

Montezemolo has spent three years trying to invigorate the most romantic car in the sport — both to catch up more than two seconds that Ferrari had fallen behind the Williams and Benetton, and to launch three new road models, one of which, the F50, will be the ultimate masculine virility symbol: a Formula One car for the road.

Montezemolo is the guardian of the Ferrari legacy, the attempted fusion of a highly competitive, sometimes deadly sport, with the business of putting man's invention into the hands of the select few drivers who happen to be rich enough to afford the \$475,000 (about \$305,000) the F50 will cost.

But there is no escaping the connotations of this week. Montezemolo, who was the organiser of the 1990 World Cup in Italy, is well aware that there are some who say, perhaps illogically, that the changes he has personally urged have not helped the safety factor in Formula One. I recall his earnest expression, his harrowed emotions early in 1990 when the haste to build new stadiums resulted in a spate of accidents that killed 24 construction workers.

"Montezemolo, assassino, non venire allo stadio!" — "Montezemolo, murderer, not welcome at the stadium!"

Now, because Ferrari led the campaign against computerised controls from the pits, the whispering begins again. "Listen," Montezemolo says seriously. "Senna has spoken many times with me, the last time he phoned on the Wednesday before the race [at Imola]. He was totally, totally against electronics. He didn't want to be a robot. He agreed with me that it was a retrograde step to have a

driver in the car who himself was driven by computer. And whatever it was that caused his accident, I am positively sure it had nothing to do with electronics."

What Montezemolo is saying, what he is defending, is that while no iota of safety precaution should be ignored, the sport has to have romance, it has to have risk and the drivers are, as he was when he drove Lancia rally cars, men drawn to those elements. "I try to work in a fair way, emotion becomes bigger and bigger in life and on the track."

What concerns the man who took on the mantle of Ferrari three years ago is that the past decade had, under the influence of American and Japanese technology, propelled the sport towards an organisation and a method of work that, indeed, computerised its movement. "I think now it is time to get back to creativity, time to use technology but allow manpower to rule. It

'While no iota of safety should be ignored, the sport has to have romance, risk'

could be within our scope to put men into the cockpit so that he would be like the aeroplane pilot, who when the fog comes, just presses buttons and allows ground control to guide the machine.

"The last thing he [Senna] spoke about to me was his dislike for the fact that you could have a determined driver, not necessarily one with flair, who could win with the best pit control."

As we speak, Montezemolo sits between the future and the past. In the office of the president of Ferrari, a president who 24 years ago, almost exactly half his lifetime, suddenly became the young assistant to the creator of the Maranello racing car factory, there are symbols everywhere.

To his right are drawings by Sergio Pininfarina, precious drawings of the latest prototypes. To his left is a black and white photograph of an old man with dark sunglasses, could be within our scope to put men into the cockpit so that he would be like the aeroplane pilot, who when the fog comes, just presses buttons and allows ground control to guide the machine.

Enzo Ferrari as the world knew him to his ninetieth and final year.

In that year Ferrari had said: "It is a simple inheritance that I leave — to keep alive that desire for progress which has been pursued even if it has involved the sacrifice of the nobility of human beings."

That inheritance is in the hands of Montezemolo, almost as much as if it were a steering wheel. He admits that in times of pressure, times brought by the impatience to catch others on the track and to reclaim the global fame of the blood-red machine, "sometimes I look at him [the photograph], I listen, I learn from him that the past was beautiful but the future, the design and production of the next car, was the secret of the Ferrari myth."

Three cars are coming off that production line within the next month. The F50, built to the specifications of the Formula One machine, built from the same hi-tech materials and carbon fibre, can propel a driver to 202mph using 580 horsepower... and there will be just 349 made. 349 cars of what Montezemolo describes as "the first and the last two-seater Formula One specification model."

You and I will not afford them, nor would we pass the controls that Ferrari intend to ensure that this one-off symbol from the factory will not be bought, held in a vault, and resold to make fortunes.

The cost is equivalent to a small helicopter, the 349 buyers are already subscribed. And even the "lesser" models, such as the new F355, will be status symbols sought beyond their numbers.

According to Montezemolo the F355 comprises, in effect, two engines in one. "If you drive to 6,000 revs, it handles like a Porsche, a good sports car. But if you push it to 8,200 revs it becomes a Ferrari, an animal, like Ribot, the horse that won the Arc de Triomphe. If you want to push, push, push — then you have to be a very good driver."

Montezemolo pushes himself as much as any man one has known. During the World Cup, when the pressures, the



Luca di Montezemolo, president of Ferrari, beneath the car's famous symbol

accusations, and the self-drive to create out of Italy's bureaucratic chaos a world event not simply of sport but of great style, his boss, Gianni Agnelli (whose Fiat took over economic control of Ferrari 25 years

ago), commented: "He is losing weight, and he has none to lose."

Italy's football, Italy's "bella bestia" motor are made by man, adored both by men and women, and at this moment in

history both have been driven by Montezemolo, the son of a fertilizer producer. He is far from in the mire, indeed, he is promising to do whatever it takes "so that the myth is back."

Sudden-death overtime may kill off penalty shoot-out



Tait ran into trouble

By RUSSELL KEMPSON

RIDICULE may have been heaped on the Auto Windcreens Shield, mostly by the fat cats from the FA Carling Premiership, but it may have gone a long way towards providing a viable alternative for the sadistic ritual of the penalty shoot-out. At Wembley on Sunday, Birmingham City won the competition for the second time when they beat Carlisle United 1-0 in sudden-death extra time. Paul

Tait's goal, in the 104th minute, brought an abrupt halt to the proceedings.

It is the first time Wembley has seen such a climax and, from the Carlisle camp, it was a shattering experience. Their players slumped to the ground in despair, unable to take in that it had all ended so swiftly. One minute, they were still in with a chance; a split-second later, they were history. The collective Carlisle misery was almost pitiful to witness.

The Football League views

itself as an innovative body and has rarely been shy to lead the way. It pioneered the system of three points for a win in 1981 and the end-of-season play-offs, which were introduced during the 1986-87 season. It also tried to bring in a team reduction scheme for the Shield, whereby players from each side would be withdrawn at regular intervals during extra time, but the idea was rejected by FIFA, the sport's world governing body.

Had Tait not scored, the Shield would have gone into a shoot-out. However, the Football Association has no plans to use it in the FA Cup. "It is something the Challenge Cup committee would have to consider, but at the moment, there are no plans to look at it," a spokesman said.

As the Carlisle players suffered the most public defeat in the history of the Birmingham supporters. He took off his jersey to reveal a T-shirt that was less

than complimentary to Aston Villa, City's Premiership neighbours.

"It was just a private joke intended as a bit of a laugh," Tait, 24, said. "A lot of my friends are Villa fans."

Barry Fry, the Birmingham manager, was not impressed: "When I found out, I was quite shocked at his behaviour." The FA has charged Tait with bringing the game into disrepute. A penalty, of a disciplinary nature, may be forthcoming.

British squad lacks strength in depth

By CRAIG LORD

THE SQUAD of 25 that will represent Great Britain when the European swimming championships return to Vienna in August is one of stark contrasts. Many among the 14 men and 11 women selected are medal hopes, with nine Britons among the fastest five in their disciplines in Europe. Eight of them won medals at the 1993 European championships.

The backbone triumvirate of Martin Harris, Adam Ruckwood and Neil Wilkey looks promising, their rivals responsible for the fastest advance in standards in British swimming in recent years. Mark Foster and Karen Pickering will hope to translate their short-course world titles into long-course success.

Against that, the decision to hold early trials, at Sheffield last week, thus shortening the time that swimmers had to prepare, and take winners of events whether or not they achieve the qualifying time, exposes the truth about British swimming: the quality is thin and there is still much work to do.

The men's 100 metres backstroke was the only event in which two people, Harris and Wilkey, qualified by automatic right, by virtue of their fast times, while only 11 swimmers in 26 races swam inside the time standards set. The men's butterfly races were won in times slower than those that took Mark Spitz to his golden tally of seven titles at the Munich Olympics of 1972. In the absence through illness of Sarah Hardcastle, a similar

standard was prevalent in the women's 400 metres freestyle.

All selected are English except Graeme Smith, the Anglo-Scott who trains in Stockport, and Andrew Ayers, of Wales.

GREAT BRITAIN TEAM: Men: Freeholder, 50m: M. Foster (City of Cardiff); 100m: N. Spectator (Bedford); 200m: P. Palmer (City of Lincoln); 400m: G. Smith (Stockport); 800m: G. Smith (Stockport); 1500m: G. Smith (Stockport); 3000m: G. Smith (Stockport); 5000m: G. Smith (Stockport); 10000m: G. Smith (Stockport); 15000m: G. Smith (Stockport); 20000m: G. Smith (Stockport); 30000m: G. Smith (Stockport); 40000m: G. Smith (Stockport); 50000m: G. Smith (Stockport); 60000m: G. Smith (Stockport); 70000m: G. Smith (Stockport); 80000m: G. Smith (Stockport); 90000m: G. Smith (Stockport); 100000m: G. Smith (Stockport); 110000m: G. Smith (Stockport); 120000m: G. Smith (Stockport); 130000m: G. Smith (Stockport); 140000m: G. Smith (Stockport); 150000m: G. Smith (Stockport); 160000m: G. Smith (Stockport); 170000m: G. Smith (Stockport); 180000m: G. Smith (Stockport); 190000m: G. Smith (Stockport); 200000m: G. Smith (Stockport); 210000m: G. Smith (Stockport); 220000m: G. Smith (Stockport); 230000m: G. 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OF LANCASTHIRE

SPORT

TUESDAY APRIL 25 1995

Defending champion builds early lead over world title rival

Hendry tables his intentions

By Phil Yates

STEPHEN HENDRY and Ronnie O'Sullivan yesterday began their eagerly awaited quarter-final in the Embassy world snooker championship with many knowledgeable observers firm in the belief that its result would determine the winner of the title.

Hendry, attempting to win the championship for a fifth time in six years and for an unprecedented fourth year in succession since the event found its permanent home at the Crucible in 1977, had built a 5-3 lead over O'Sullivan by the end of the opening session.

Whoever loses when the best-of-25-frame contest reaches its conclusion this morning will have the right to feel aggrieved. Hendry is undisputed as the best player in the game while O'Sullivan is, along with John Higgins, regarded as his main challenger.

Given that, and the fact that O'Sullivan stands third in the provisional world rankings, it

ORDER OF PLAY

10.30: N Bond (Eng) v G Wilkinson (Eng)
5.15: Hendry (Scot) v O'Sullivan (Eng)
8.0: J White (Eng) v J Parrott (Eng)
Hicks (Eng) v P Ebdon (Eng)
7.30: Bond v Wilkinson; White v Parrott.

is an unavoidable pity that they have met so early.

The reason is that the official world rankings are only revised on an annual basis and, at the commencement of the 1994-95 campaign, O'Sullivan occupied ninth position. The Benson and Hedges Masters champion defeated Darren Morgan, the No 8 seed, in the last 16, and thus his premature clash with Hendry was assured.

Unjust though it may be, the game's governing body, the World Professional Billiards and Snooker Association (WPBSA) would find it impossible to implement a weekly ranking system such as in tennis, which reflects form more accurately.

Because of an average entry of 450 players per event, draws, and more crucially exemptions, have to be made well in advance of the circuit's leading exponents making their debut in specific tournaments.

It seemed both players realised the importance of stamp-



O'Sullivan, right, watches nervously as Hendry goes about compiling a 5-3 lead in the opening session of their quarter-final. Photograph: Eric Whitehead

ing their authority on the game early and it was O'Sullivan, with a pair of 46 breaks, who edged into a 2-1 lead yesterday.

In the third frame, Hendry had the opportunity to recover from a 57-point deficit and thereby strike the initial psychological blow. In two visits the Scot eroded that deficit, but missed a blue using the rest and O'Sullivan cleared to pink.

O'Sullivan, 19, has prevailed in only three of his previous nine meetings with Hendry but the precociously talented player from Chigwell is one of the few not intimidated by Hendry's wealth of achievement so far during the 1990s.

That was evident when O'Sullivan beat Hendry in the last 16 of the Thailand Open five weeks ago. But loss of concentration is O'Sullivan's Achilles' heel, and it was a temporary dropping of his guard in the fourth frame with a weak safety shot that allowed Hendry to compile the

39 break with which he drew level at 2-2.

After a short safety exchange on the yellow in the fifth frame, Hendry cleared to the pink for a 3-2 lead which swiftly became 4-2 through a run of 63 on his first scoring visit to the table in the sixth.

Two slices of good fortune came to O'Sullivan's assistance in the next. First, he fluked a snooker tight in behind the green and, from the chance presented, he made 31 before fluking the green into a top pocket.

O'Sullivan capitalised by going on to record a decisive

contribution of 65, but Hendry did not dwell on it and a clinical 72 break re-established his two-frame buffer entering the evening session. Showing an immeasurable improvement on his previous two performances here, Jimmy White established a 6-2 lead against John Parrott.

White had trailed 2-1 before striking the kind of purple patch that has been conspicuous by its absence during the worst season of his 15-year professional career.

Runs of 38 and 58 carried White into a 3-2 lead before he secured the sixth frame and

forged on with a decisive 63 break in the seventh. Parrott, undoubtedly unsettled, led 73-32 in the closing frame of the afternoon when he missed a tricky red across the top cushion. White, at his predatory best, put together a 51 clearance to the pink.

Andy Hicks, who has already eliminated Steve Davis and Willie Thorne, rallied from 0-3 to end his first session against Peter Ebdon on level terms at 4-4.

QUARTER-FINALS: S Hendry (Scot) leads R O'Sullivan (Eng) 5-3; J White (Eng) leads J Parrott (Eng) 6-2; A Hicks (Eng) level with P Ebdon (Eng) 4-4; N Bond (Eng) leads G Wilkinson 5-2.

RUGBY UNION 44

CAMPESE SPEAKS HIS
MIND AND UPSETS
AUSTRALIAN SELECTORS

Leagues engage in bidding war for best players

By Christopher Irvine

AS WITH all auctions, there are many losers and one winner, a point that might be borne in mind in the outrageous bidding war that has spread from Australia to Britain in the fight over the bloody carcass of rugby league.

Whereas the first flag of compromise was raised above the battlefield in Australia yesterday, the cheque book was being waved on behalf of the Australian Rugby League (ARL) at members of the Great Britain team.

In the case of Martin Offiah, who has apparently been offered £1 million over three years, a counter-offer to keep the Wigan wing in this country was being mustered last night. In its increasing international isolation over the trans-global Super League, the ARL, with the television backing of Kerry Packer, has also offered Jason Robinson, of Wigan, and John Devereux, of Widnes, considerable sums.

Alan McColm, the agent for the three players, said: "They [the ARL] are looking at taking the top players at the moment, but I don't think it will be long before they look further down the list."

An approach was made to Paul Newlove, but, as the centre recently signed a new four-year contract at Bradford Northern, it was not followed up. The shopping list is, at most, a dozen players, but with others of the calibre of Chris Joynt and Bobby Goulding, both of St Helens, Craig James, of Leeds, and Lee Jackson, of Sheffield, probably on it, there is the risk that the European Super League could end up decidedly less super. The ARL, having lost 200 players and officials to the breakaway Australasian Super League, will therefore find its poaching fiercely resisted by counter-offers to players here.

This worst-case scenario was obvious ten days ago, when the ARL, determined to

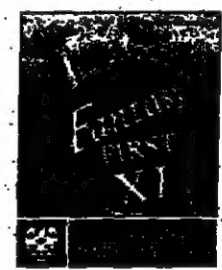
run its own competition alongside the Super League in Australia and New Zealand, declared the two-year ban on player movements between England and Australia null and void. Those players due in Australia next month on summer contracts could be pressured to remain permanently.

With Britain, New Zealand, and, it seems, France and Papua New Guinea set to throw in their lot with the Super League, which is backed by News Corp, the parent company of the Times, the ARL was forced into a tactic that, at the start of the three-day international board meeting in London, could not have been more explosively timed.

According to the Rugby Football League (RFL), the situation emphasised the vulnerability of the sport in England if the £77 million Super League deal had been ignored. Paul Harrison, its spokesman, said: "Our players would have been targeted in any case, but we are now in a better position to fight back."

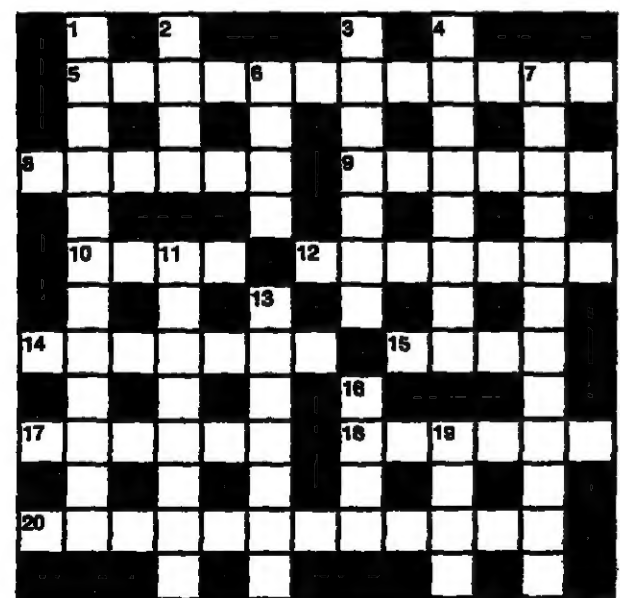
The potential compromise raised in Sydney was of the ARL administering the Super League, which is a possibility that drew several so-far loyal ARL clubs, including Penrith and Sydney Tigers, to talks with John Ribot, the Super League chief executive. Mark Levy, a Penrith official, said: "News Limited in Australia want one competition and I think they probably want the ARL to run it."

In Britain, it is possible that the hurried and ill-conceived formation of the 14-club Anglo-French Super League might have to be re-thought after Keighley's announcement yesterday against the RFL. The club was excluded from the new summer league, despite winning the second division, and will be seeking injunctions and damages at the High Court in Leeds on Friday.



On page 43 today, Alan Lee, cricket correspondent, takes a pragmatic approach in choosing his Fantasy First XI. "Success does not necessarily involve the players of glamour and profile," he writes. "Simply to select the best 11 players in action this summer can be a great mistake." Pick your own team and win £10,000.

TIMES TWO CROSSWORD



No 454

ACROSS

- 5 Constructed with specific aim (7-5)
- 8 Shoe (Irish) accent (6)
- 9 Sea-song (6)
- 10 Loathe (4)
- 12 Raised-dot writing (7)
- 14 Twisted and knobby (7)
- 15 Agency secretary (4)
- 17 Strainer (6)
- 18 Roman army unit: large number (6)
- 20 Heavy leather object tossed for training (8-4)

DOWN

- 1 Nervous (12)
- 2 Smug, moralistic person (4)
- 3 Frenzied, enraged (7)
- 4 Supposed (to be) (8)
- 6 Cattle (4)
- 7 Fairies (6-6)
- 11 Pace about (ready to flee) (4-4)
- 13 Tynesider (7)
- 16 Blackthorn (4)
- 19 Prod, incite (4)

SOLUTION TO NO 453

ACROSS: 1 Jester 4 Frigid 8 Slew 9 Nugatory 10 In a canter 13 Abate 15 Baron 16 Cinna 18 Traveller 21 Follow on 22 Jude 23 Remiss 24 Misery
DOWN: 1 Just/in 2 Sheraton 3 Run on 5 Rearrange 6 Grog 7 Dry ice 11 Albatross 12 Tarka 14 Applause 16 Confer 17 Artery 19 Venom 20 Clam

TIMES PUBLICATIONS: The Times Guide: English Style & Usage (Hb) £8.99. Japan, Nations of the World, Middle East, Cond University Guide 1995-96, Single European Market (Hb) £9.99 each. Peoples of Europe (Hb) £16.99. European Parliament - June 94 (Hb) £26. The Times Guide to the New British State (Hb) £19.99. The Times Maps (Folded): The World 48" x 30" £5.99. Ireland 20" x 12" £1.99. The Times Maps (Folded): The World 48" x 30" £5.99. NEW: The Times £4.50. The Times Illustrated World History (Pb) £3.99. NEW: The Times £4.50. The Times Illustrated World History (Hb) £26. The Sunday Times Book of Answers (Hb) £4.50. Book of Brains (Hb) £4.50. Prices include P&H (UK). Send cheques with order payable to Allen Lane, 51 Manor Lane, London SE13 5QW. Delivery to 8 days. Tel 0181-852 4375 (24hrs) No credit cards.

Conner attacks rivals' joint effort

FROM BARRY PICKTHALL
IN SAN DIEGO

THE breeze proved too light and fickle to hold what could prove to be the deciding race in the defender trials for the America's Cup on Sunday but there was still sufficient wind to fan fresh controversy over which of the three defence crews should go forward to race for the cup against the New Zealand challenger.

Dennis Conner, who requires only one more win to race for the cup a record fifth time, attacked his rivals for joining forces against him. He accused Bill Koch's America's syndicate, which is backing the women's team on board *Mighty Mary*, of providing weather information for Kevin

Mahaney's *Young America* crew as well as balking his yacht during manoeuvres before the race was abandoned. "It's unfair," Conner said. "What they did was fundamentally unfair. It undermines the integrity of the America's Cup."

The women on *Mighty Mary* need *Young America* to defeat Conner's *Stars & Stripes* in order to keep their own hopes alive and Mahaney's team need Leslie Egnott's female crew to beat Conner tomorrow to force a sail-off for the defence berth between themselves.

Minutes before the pre-start countdown to Sunday's abandoned race, the *Stars & Stripes* crew spotted Koch's two America's Cup yachts sailing close to the windward mark checking out the weather

patterns, then saw Koch's helicopter flying over the course to collect further data. Later, they spotted Vince Moeyersoms, Koch's right-hand man, aboard Mahaney's team tender wearing a *Young America* jacket.

The final straw came when the same tender got in the way of *Stars & Stripes* as Conner's yacht entered the starting box. "They were blocking our path," Paul Cayard, the helmsman on *Stars & Stripes*, said. "We have it on video and the umpires saw it too."

Later, Moeyersoms said: "We are trying to have a positive influence on our own destiny. Right now, *Mighty Mary* and *Young America* are totally dependent on each other's performance for survival."

The era of the Mouth that Roared

James Bone, in New York, reviews the career of the legendary broadcaster, Howard Cosell

minds". Above all, it was Cosell who leapt to Muhammad Ali's defence in 1967 when the world heavyweight champion was stripped of his title for refusing to fight in the war in Vietnam and became the first to use his new Muslim name.



Cosell: unique

The son of Polish Jewish immigrants, he studied law at New York University, where he became the editor of the law review, but he found his calling when he became a broadcaster for the ABC network in 1956. "There's one thing about this business," he later complained. "There's no place for talent. That's why I don't belong. I lack mediocrity."

A lifelong enemy of racism, it was his decision to side with the heavyweight champion when he converted to Islam and refused to be drafted to Vietnam that first made him a national celebrity. "What the government did to this man was inhuman and illegal," he said.

Cosell also infuriated viewers when he gave a sympathetic interview to Tommie Smith after the sprinter raised his clenched fist in a black-

power salute on the medal podium at the 1968 Olympic Games in Mexico City. Four years later, he refused orders to leave the Olympic village in Munich when Arab terrorists invaded the Israeli team's quarters and provided gripping commentary.

At one point, Cosell's "Q" rating, used by the television industry to determine popularity, revealed that he was both the most popular and the most hated celebrity in the nation.

For all his bombast, Cosell never took himself entirely seriously. At Woody Allen's request, he appeared in the film *Bananas* attempting to interview a corpse about what it felt like to be dead.

That thought was echoed after his own death by his old friend, Muhammad Ali. "Howard Cosell was a good man and he lived a good life," Ali said. "I hope to meet him one day in the hereafter. I can hear Howard now, saying, 'Muhammad, you're not the man you used to be.'"

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